

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ROBERT HOSSFELD, )  
individually and on )  
behalf of others similar )  
situated, )

Plaintiff, )

vs. ) No. 1:20-cv-07091

ALLSTATE INSURANCE )  
COMPANY, )  
Defendant. )

The Remote Zoom Deposition of VALERIE LIM,  
taken before CAMILLE TROK, a C.S.R. and Notary  
Public within and for the State of Illinois,  
pursuant to the provisions of the Federal Rules of  
Civil Procedure of the United States District Court,  
pertaining to the taking of depositions, taken at  
the hour of approximately 1:30 o'clock p.m. on  
June 3, 2021.

Reported by: Camille Trok, RPR  
License No. 84.000960

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 BURKE LAW OFFICES, LLC, by MR. ALEXANDER BURKE 4 909 Davis Street, Suite 500 Evanston, Illinois 60201 5 (312) 729-5288 aburke@burkelawllc.com</p> <p>6 Appeared on behalf of the Plaintiff;</p> <p>7 8 POLSINELLI, PC, by MR. RODNEY LEWIS 9 150 North Riverside Plaza, Suite 3000 Chicago, Illinois 60606 10 (312) 873-3686 rodneylewis@polsinelli.com</p> <p>11 Appeared on behalf of the Defendant;</p> <p>12 13 ALLSTATE INSURANCE COMPANY, by MR. FRANK LUKES 14 2775 Sanders Road, Suite A2E Northbrook, Illinois 60062 15 (847) 402-0761 frank.lukes@allstate.com</p> <p>16 Appeared as in-house Counsel for 17 Allstate Insurance Company. 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 THE COURT REPORTER: Before we start and 2 before I swear her in, do you all agree that I can 3 swear her in remotely? 4 MR. BURKE: Yes. 5 MR. LEWIS: Yes. 6 (Witness sworn.) 7 VALERIE LIM, 8 called as a witness herein, having been first duly 9 sworn, was examined upon oral interrogatories and 10 testified as follows: 11 EXAMINATION 12 BY MR. BURKE: 13 Q. Good afternoon. 14 A. Good afternoon. 15 Q. Would you state your name for the record, 16 please? 17 A. Valerie Lim. 18 Q. And Ms. Lim, where do you work? 19 A. Allstate Insurance. 20 Q. And where geographically are you? 21 A. Northbrook, Illinois. 22 Q. Have you ever given a deposition before? 23 A. No. 24 Q. Okay. Here's the deal. I'm going to ask</p>
<p style="text-align: right;">Page 3</p> <p>1 2 I N D E X 3 4 WITNESS: VALERIE LIM 5 6 EXAMINATION BY: PAGE: 7 Mr. Burke 4 Mr. Lewis 102 8 Mr. Burke 104 9 10 11 12 13 14 15 16 EXHIBITS: PAGE: 17 Exhibit A (Dep notice) 11 18 19 (The Exhibits were retained by Mr. Burke) 20 21 22 23 24</p>	<p style="text-align: right;">Page 5</p> <p>1 you questions, and you provide audible responses. 2 Does that make sense? 3 A. Yes. 4 Q. Okay. And if you don't understand a 5 question, just let me know, and we'll work on it and 6 try to get it to a place that you understood it, 7 okay? 8 A. Okay. 9 Q. But once you give an answer, I'm going to 10 understand that it was both correct and complete. 11 Does that make sense to you? 12 A. Yes. 13 Q. Okay. If you ever need a break or anything 14 like that, just let me know. And as long as it 15 doesn't interrupt things, we'll do it. And if it 16 does interrupt things, we'll do it really soon, 17 okay? 18 A. Okay. Thanks. 19 Q. What's the highest level of employment, or 20 pardon me, schooling that you've achieved? 21 A. Bachelor's degree. 22 Q. From where? 23 A. Bradley University, Peoria. 24 Q. And when was that?</p>

<p style="text-align: right;">Page 6</p> <p>1 A. 1986.</p> <p>2 Q. And what did you do for work out of</p> <p>3 college?</p> <p>4 A. Worked at a publishing company.</p> <p>5 Q. What did you do at the publishing company?</p> <p>6 A. Production coordinator.</p> <p>7 Q. What did that entail?</p> <p>8 A. That entails coordinating with the</p> <p>9 publishers and the printer to get out to trade</p> <p>10 publications.</p> <p>11 Q. And how long did you work at the publishing</p> <p>12 company?</p> <p>13 A. About, gosh, I'm trying to remember how</p> <p>14 long I worked there. Because I worked there as a</p> <p>15 summer job, as well, so I have all those years, too.</p> <p>16 Until approximately 1990.</p> <p>17 Q. Okay. And then between 1990 and today,</p> <p>18 roughly, how many jobs have you had?</p> <p>19 A. Two.</p> <p>20 Q. Okay. What was the first one?</p> <p>21 A. I worked at Kraft Foods --</p> <p>22 Q. Kraft?</p> <p>23 A. -- from 1990 to 1998.</p> <p>24 Q. And what did you do at Kraft for eight</p>	<p style="text-align: right;">Page 8</p> <p>1 A. 2002.</p> <p>2 Q. And what was your responsibility in 2002 in</p> <p>3 the beginning?</p> <p>4 A. Actually, an executive administrative</p> <p>5 assistant.</p> <p>6 Q. In the marketing department?</p> <p>7 A. Yes. Regional marketing.</p> <p>8 Q. I'm going to do my best not to interrupt</p> <p>9 you, I apologize for that a moment ago. If it</p> <p>10 happens, just please, you know, know that I'm not</p> <p>11 trying to do it, and try to keep your thoughts</p> <p>12 together so that we can get your complete answer,</p> <p>13 okay?</p> <p>14 A. Sure.</p> <p>15 Q. Okay. So you started out as an executive</p> <p>16 assistant.</p> <p>17 At some point did those responsibilities</p> <p>18 change?</p> <p>19 A. I chose to look for a different</p> <p>20 opportunity. There was something I was interested</p> <p>21 in, and it was in the compliance group.</p> <p>22 I had enjoyed my time as an executive</p> <p>23 admin, but it was time to move on. I needed that</p> <p>24 break, and it was time to move on to something</p>
<p style="text-align: right;">Page 7</p> <p>1 years?</p> <p>2 A. I was a marketing associate on the food</p> <p>3 service team.</p> <p>4 Q. Food service, like, I don't know, Velveeta</p> <p>5 and such?</p> <p>6 A. Right. For restaurants.</p> <p>7 Q. Okay. And so what sort of marketing type</p> <p>8 stuff did you do for Kraft?</p> <p>9 A. It's more along the lines of prepping</p> <p>10 product that was needed as requested by the</p> <p>11 different food service customers; working with</p> <p>12 compliance to make sure that they were, you know,</p> <p>13 all in spec; answering questions if anyone had</p> <p>14 anything like that.</p> <p>15 Just making sure packaging was correct. We</p> <p>16 did package updates, all that sort of stuff.</p> <p>17 Q. And so then in 1998 did you begin working</p> <p>18 for Allstate?</p> <p>19 A. No. Actually, I was admitted through three</p> <p>20 riffs at Kraft, and finally didn't make it through</p> <p>21 the last one, and then I worked at the Kelly Temp,</p> <p>22 but all at Allstate as a contractor for a couple of</p> <p>23 years before they hired me.</p> <p>24 Q. And so when did Allstate finally hire you?</p>	<p style="text-align: right;">Page 9</p> <p>1 different.</p> <p>2 So, there was an opening in the compliance</p> <p>3 team in marketing, so I went for it and got it.</p> <p>4 Q. Marketing compliance, and when was that?</p> <p>5 A. That was in late 2008; November, 2008.</p> <p>6 Q. Are you still in marketing compliance</p> <p>7 today?</p> <p>8 A. Yes.</p> <p>9 Q. And have you been promoted or demoted or</p> <p>10 any lateral since, you know, since 2008?</p> <p>11 A. Right. It's like a bump within a band.</p> <p>12 Q. Okay.</p> <p>13 A. I had turned down a promotion five times.</p> <p>14 Q. Why did you turn down the promotion?</p> <p>15 A. Don't need piled high or deeper, sorry. At</p> <p>16 this stage in my life, I'm not looking for that.</p> <p>17 Happy where I am.</p> <p>18 Q. And so --</p> <p>19 A. Don't need to manage people, in other</p> <p>20 words.</p> <p>21 Q. Got it. So what are your responsibilities</p> <p>22 today?</p> <p>23 A. So, I act as a Do Not Call and a SME --</p> <p>24 THE COURT REPORTER: I'm sorry --</p>

<p style="text-align: right;">Page 10</p> <p>1 THE WITNESS: -- and --</p> <p>2 THE COURT REPORTER: Wait, wait. You act</p> <p>3 as Do Not Call and what?</p> <p>4 THE WITNESS: A Do Not Call and Consumer</p> <p>5 Protection Act subject matter expert.</p> <p>6 So, in that sense I also work with our TCPA</p> <p>7 and generate content for the agents and the business</p> <p>8 units.</p> <p>9 So anyone that needs to be educated on</p> <p>10 Allstate's Do Not Call policy, as well as any other</p> <p>11 activities.</p> <p>12 So it's education, it's working with</p> <p>13 Allstate contracted vendors to make sure they're in</p> <p>14 compliance. It's a lot of content prep.</p> <p>15 Q. And I know that you just gave us the</p> <p>16 acronym for SME, but all I wrote --</p> <p>17 A. Yeah. Subject matter expert.</p> <p>18 Q. Okay. And when did you first begin your</p> <p>19 role as the DNC and TCPA SME?</p> <p>20 A. So, it would have been November, 2008.</p> <p>21 Q. Okay.</p> <p>22 A. I had a manager above me, who since</p> <p>23 retired. Learned a lot from him.</p> <p>24 Q. Who was that?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. BURKE: And it's the deposition notice</p> <p>2 in this case, if I can do it. All right.</p> <p>3 BY MR. BURKE:</p> <p>4 Q. So the document I'm showing, do you see it?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Is entitled Amended Notice of</p> <p>7 Deposition. And there on the first page there are</p> <p>8 two subjects. And I guess I'll read them.</p> <p>9 So the first one says: How Allstate's</p> <p>10 Do Not Solicit scrubbing tool works. Including but</p> <p>11 not limited to how agents or their vendors are</p> <p>12 supposed to use such.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And are you prepared to speak on behalf of</p> <p>16 Allstate on that topic today?</p> <p>17 A. Yes.</p> <p>18 Q. The second topic is: The existence,</p> <p>19 format, location and queryability of any audit logs</p> <p>20 or other documentation or data arising from agents</p> <p>21 or their vendors use of Allstate's batch or</p> <p>22 individual Do Not Solicit scrubbing tool, including</p> <p>23 but not limited to Jason Fleming, Daniel Gilmond,</p> <p>24 and their respective agencies and vendors.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Dave Hendrickson. No longer with the</p> <p>2 company.</p> <p>3 Q. When did Dave Hendrickson leave, roughly?</p> <p>4 A. 2018.</p> <p>5 Q. 2008 is early for TCPA.</p> <p>6 A. Well, we had Do Not Call, as well. So that</p> <p>7 was the primary focus.</p> <p>8 Q. I see. I see. And so when you say Do Not</p> <p>9 Call, are you referring to the Do Not Call registry,</p> <p>10 or internal Do Not Call, or something additional?</p> <p>11 A. All of it. So, Allstate's Do Not Call</p> <p>12 policy and its processes, procedures, as well as</p> <p>13 incorporating the Allstate Do Not Call -- not the</p> <p>14 Allstate Do Not Call, the Allstate Do Not Call list,</p> <p>15 which we have is made up of the Federal numbers,</p> <p>16 State specific numbers and Allstate company specific</p> <p>17 numbers. So we make sure that those are all in</p> <p>18 place so that the DNC standard shows up in Allstate</p> <p>19 tools.</p> <p>20 MR. BURKE: So, I'm going to show what you</p> <p>21 we are going to mark as Exhibit A.</p> <p>22 (The document referred to was deemed</p> <p>23 marked as Exhibit A for</p> <p>24 identification.)</p>	<p style="text-align: right;">Page 13</p> <p>1 Are you prepared today to speak on behalf</p> <p>2 of Allstate on Topic 2?</p> <p>3 A. Yes.</p> <p>4 Q. Thanks. And as to these exhibits, if you</p> <p>5 ever need them tweaked so you can see them better,</p> <p>6 let me know. I'm going to try to make them big on</p> <p>7 the screen --</p> <p>8 A. Okay.</p> <p>9 Q. -- just so the Court Reporter can see them,</p> <p>10 especially if I'm reading from them, okay?</p> <p>11 How did you learn about the TCPA in the</p> <p>12 very beginning?</p> <p>13 A. Through my manager.</p> <p>14 Q. Mr. Hendrickson?</p> <p>15 A. Yes.</p> <p>16 Q. Is Mr. Hendrickson an attorney?</p> <p>17 A. No.</p> <p>18 Q. And so was there any formal training, or</p> <p>19 was it sort of, like, on the job?</p> <p>20 A. On the job. But there was an existing</p> <p>21 Do Not Call course at that time, as well.</p> <p>22 Q. What do you mean a Do Not Call course?</p> <p>23 A. An online course that covered the Allstate</p> <p>24 Do Not Call policy, and the rules and regs that</p>

<p style="text-align: right;">Page 14</p> <p>1 needed to be followed.</p> <p>2 Q. And who was that course for?</p> <p>3 A. So, a multi-audience. Primarily agents,</p> <p>4 but any, like, marketing program managers that</p> <p>5 wanted to run a campaign, they also needed to</p> <p>6 understand the rules.</p> <p>7 Q. Does Allstate have an inter -- well, let me</p> <p>8 back up a little bit.</p> <p>9 What's your understanding of what the</p> <p>10 internal or customer -- company specific Do Not Call</p> <p>11 rules are?</p> <p>12 A. Those are individuals who specifically</p> <p>13 requested that Allstate not call them.</p> <p>14 Q. Okay. And does Allstate have a list of the</p> <p>15 folks who have requested not to receive calls?</p> <p>16 A. That is the Allstate Company specific</p> <p>17 Do Not Call list.</p> <p>18 Q. Pardon me?</p> <p>19 A. It's a set of phone numbers.</p> <p>20 Q. A set of phone numbers.</p> <p>21 And where is that set of phone numbers?</p> <p>22 Where does that reside?</p> <p>23 A. It resides on let's say servers, tables,</p> <p>24 that are at a location in Belfast; Northern Ireland</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. And then I would guess that there's</p> <p>2 some sort of graphical user interface that's more</p> <p>3 technical that can access the list directly; is that</p> <p>4 right?</p> <p>5 A. Different platforms that would pull it in</p> <p>6 would go up to a service in-call, essentially to a</p> <p>7 service call to the member to check its status for</p> <p>8 campaign prep and things like that.</p> <p>9 Q. I mean, at the bottom the list is just a</p> <p>10 table; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And so how can that table be accessed?</p> <p>13 I mean, can you just pull it up on Excel,</p> <p>14 or do you have the --</p> <p>15 A. No. No. You have to use an application.</p> <p>16 So, it would either be the scrubbing tool</p> <p>17 or Gateway.</p> <p>18 Q. Okay. Is there one or the other that's a</p> <p>19 primary way of accessing the list, either the</p> <p>20 scrubbing tool or the Gateway?</p> <p>21 MR. LEWIS: Objection --</p> <p>22 THE WITNESS: Oh, go ahead.</p> <p>23 MR. LEWIS: Objection to form.</p> <p>24 One other piece of housekeeping I just want</p>
<p style="text-align: right;">Page 15</p> <p>1 maintains.</p> <p>2 Q. Are they maintained by Allstate itself, or</p> <p>3 some --</p> <p>4 A. Yes. It's an Allstate.</p> <p>5 Q. Okay.</p> <p>6 A. Yes.</p> <p>7 Q. Why are they in Ireland?</p> <p>8 A. It's just another Allstate branch. It's</p> <p>9 the same group that processes the Federal downloads</p> <p>10 and all the specific Do Not Call lists.</p> <p>11 It comes into a big database at Allstate,</p> <p>12 so every entity at Allstate that needs to access it</p> <p>13 can access it.</p> <p>14 Q. What are the different ways that the DNC</p> <p>15 list can be accessed?</p> <p>16 A. It's brought out primarily through the</p> <p>17 scrubbing tool, which is made available for its</p> <p>18 agents, as well as through the customer relationship</p> <p>19 management platform or application called Gateway.</p> <p>20 Q. Any other way to access, for a regular</p> <p>21 employee at Allstate to access the DNC company's</p> <p>22 specific list?</p> <p>23 A. Those would be the primary ones that are</p> <p>24 open to everybody.</p>	<p style="text-align: right;">Page 17</p> <p>1 to make sure we do for the record.</p> <p>2 Ms. Lim, if you, or before you begin to</p> <p>3 answer and after Mr. Burke finishes a question, I</p> <p>4 may have an objection. So if you just take a quick</p> <p>5 beat and allow me to try to get that on the record</p> <p>6 before you start answering, so Ms. Trok can take us</p> <p>7 both down.</p> <p>8 THE WITNESS: Thank you for the reminder.</p> <p>9 MR. BURKE: I'll ask the question again.</p> <p>10 BY MR. BURKE:</p> <p>11 Q. So you have identified two ways that</p> <p>12 Allstate agents can access the list: A scrubbing</p> <p>13 tool and Gateway.</p> <p>14 Which is the primary?</p> <p>15 MR. LEWIS: Same objection.</p> <p>16 MR. BURKE: If he objects, though, you</p> <p>17 should still answer the question, unless he says not</p> <p>18 to.</p> <p>19 MR. LEWIS: And if you need clarification,</p> <p>20 feel free to ask Mr. Burke for that. That's fine.</p> <p>21 THE WITNESS: Right. It depends on how the</p> <p>22 agent wants to use the scrubbing tool.</p> <p>23 It's primarily used for uploading lists of</p> <p>24 numbers. Because when they use Gateway, they're</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 looking up a single number or a single customer  2 prospect at one time.  3 It just depends on what they plan to do  4 with the numbers.  5 BY MR. BURKE:  6 Q. So the scrubbing tool permits a batch  7 upload of phone numbers to scrub; is that right?  8 A. Yes.  9 Q. And does Gateway also permit a batch, or is  10 that just individual?  11 A. Individual.  12 Q. And does the scrubbing tool allow  13 individual, or is it only batch?  14 A. Individual. They can enter up to 40  15 numbers individually, but it's primarily used for  16 larger lists.  17 Q. Okay. Is it correct that both the  18 scrubbing tool and Gateway draw their Do Not Call  19 information from the same Do Not Call tables?  20 A. Yes.  21 Q. Okay. You, as an administrator of the  22 Do Not Call list, how do you typically access the  23 list?  24 A. I generally -- I don't tend to need it</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Technical analysts.  2 Q. And the internal Do Not Call list is a  3 dynamic list, isn't it?  4 A. Yes.  5 Q. It changes all the time?  6 A. Yes.  7 Q. And what causes that list to change?  8 A. Anytime anyone requests a Do Not Call, that  9 they don't want to be called anymore, an agent can  10 enter that change through Gateway, and it updates  11 the list.  12 Q. Does it ever happen that somebody asks to  13 be removed from the Do Not Call list?  14 A. Yes.  15 Q. How often does that happen?  16 A. Very rarely. Not even once a month.  17 Q. Okay. And how many phone numbers roughly  18 are on the internal Do Not Call list right now?  19 A. I do not know.  20 Q. 100,000? Five million, ten million? I  21 mean, do you have an idea?  22 MR. LEWIS: Objection. Form.  23 Ms. Lim, if you have a general  24 understanding of the number of numbers that are on</p>
<p style="text-align: right;">Page 19</p> <p>1 myself, but I'll go into Gateway if I need to look  2 up something. In the tool, I will use a phone  3 search.  4 I am occasionally called upon, if someone  5 has an issue scrubbing, to look at their file to see  6 if they set it up wrong.  7 Q. And so, you know, if you were to look up  8 somebody's file to see if they set it up wrong, what  9 would you do exactly?  10 A. I would primarily ask them for the list  11 that they're trying to scrub, and just look at that  12 to see if they have set it up correctly.  13 Q. So maybe you'd be looking for formatting  14 issues, spaces where there shouldn't be eight-digit  15 phone number, that kind of stuff?  16 A. Right.  17 Q. If you wanted to look at the list, the  18 table that contains the list, how could you do that?  19 A. I do not have access to that.  20 Q. Who has access to that?  21 A. The technical partners would be able to  22 query it.  23 Q. Technical partners. Is that a formal name  24 of some group within Allstate?</p>	<p style="text-align: right;">Page 21</p> <p>1 the list, share it.  2 THE WITNESS: I believe it is less than  3 five million. I don't know.  4 BY MR. BURKE:  5 Q. Okay. And does Allstate have a process  6 whereby phone numbers come off the list  7 automatically, sometimes?  8 A. Allstate keeps Do Not Call requests  9 pursuant to Federal and State requirements.  10 So, some states are ten years, Federal  11 might be five. So we keep them pursuant to that, as  12 well as there are some choices Allstate has made to  13 never remove numbers, depending on the state.  14 Q. And so is it accurate to say that internal  15 Do Not Call requests, at least insofar as we're  16 talking about the TCPA, automatically come off after  17 five years, unless there's some state law that  18 suggests it should stay longer?  19 MR. LEWIS: Objection. Form.  20 Mischaracterizes the testimony, but I'll let her  21 answer.  22 THE WITNESS: Yes. That is stated in our  23 current Do Not Call policy, as well.  24</p>



<p style="text-align: right;">Page 22</p> <p>1 BY MR. BURKE:</p> <p>2 Q. Did you help write the Do Not Call policy?</p> <p>3 A. I have added to it over the years. It was</p> <p>4 in existence before I joined the team.</p> <p>5 Q. Is there anyone else on your team dealing</p> <p>6 with Do Not Call issues?</p> <p>7 A. Only as a backup.</p> <p>8 Q. What do you mean as a backup?</p> <p>9 A. On our team we are divided into different</p> <p>10 topics. So I am Do Not Call SME, and a teammate</p> <p>11 would be texting SME, and another teammate is e-mail</p> <p>12 SME.</p> <p>13 Q. And what is the -- what is your group</p> <p>14 called?</p> <p>15 A. So, we're the -- we're within marketing,</p> <p>16 and we're the contact compliance team.</p> <p>17 Q. And are there three of you?</p> <p>18 A. Yes. Plus our director.</p> <p>19 Q. Who is the director?</p> <p>20 A. Brian Bloom.</p> <p>21 Q. Is Mr. Bloom in Northbrook, as well?</p> <p>22 A. Yes.</p> <p>23 Q. And could you please tell me, as close as</p> <p>24 you can, to what his title is?</p>	<p style="text-align: right;">Page 24</p> <p>1 it?</p> <p>2 A. Yes. It's -- yeah. The DNS scrubbing</p> <p>3 tool, it's a web-based tool.</p> <p>4 Q. And when you say DNS, do you mean Do Not</p> <p>5 Solicit?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So say I upload 10,000 phone numbers</p> <p>8 that are properly formatted. Does that just work</p> <p>9 just like if it was uploading, I don't know, you</p> <p>10 know, photographs to an e-mail, essentially, on a</p> <p>11 web interface?</p> <p>12 MR. LEWIS: Objection. Form.</p> <p>13 MR. BURKE: I'll ask it differently.</p> <p>14 BY MR. BURKE:</p> <p>15 Q. How do I do that? How do I upload a CSV</p> <p>16 file?</p> <p>17 A. You would click to browse your local</p> <p>18 folders; click the file that you want to add, and</p> <p>19 then click submit.</p> <p>20 Q. And so after I click submit, then what</p> <p>21 happens behind the scenes?</p> <p>22 A. The list processes goes through service</p> <p>23 calls to the services in the database where the</p> <p>24 Do Not Solicit list, customer status prospect and a</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Director administration and governance. It</p> <p>2 might be administration compliance and governance.</p> <p>3 Q. What is your title?</p> <p>4 A. I'm a senior compliance specialist or</p> <p>5 consultant, you can call me.</p> <p>6 It's an internal consultant to different</p> <p>7 business units and agents.</p> <p>8 Q. Okay. Well, let's talk about some of the</p> <p>9 nuts and bolts of this scrubbing tool.</p> <p>10 So, say I am an Allstate agent, and I have</p> <p>11 a list of phone numbers that I want to scrub. What</p> <p>12 do I do?</p> <p>13 A. You would open the link to the scrubbing</p> <p>14 tool, and you can either choose to enter up to 40</p> <p>15 phone numbers manually to scrub using the phone</p> <p>16 search function, or you can use a file scrubbing</p> <p>17 option.</p> <p>18 Q. Okay. So, say I want to use the batch</p> <p>19 scrubbing tool. What should I do?</p> <p>20 A. You would take your Excel file, convert it</p> <p>21 to a CSV file and upload it, and with the file's</p> <p>22 return.</p> <p>23 Q. And so is there like a website, an intranet</p> <p>24 website or something like that where I would upload</p>	<p style="text-align: right;">Page 25</p> <p>1 couple of different customer stats will determine</p> <p>2 the final result of okay to call, or Do Not Call.</p> <p>3 Q. Okay. And then, you know, for 10,000</p> <p>4 properly formatted numbers, how long does that scrub</p> <p>5 process take?</p> <p>6 A. That depends on how many other people are</p> <p>7 using the tool at the same time. But generally,</p> <p>8 within an hour at the most.</p> <p>9 Q. Okay. And how are the results presented to</p> <p>10 the user?</p> <p>11 A. They get a CSV file back with the</p> <p>12 information that they entered; all the records they</p> <p>13 entered, as well as a column that says either okay</p> <p>14 to call or Do Not Call, and it identifies if the</p> <p>15 number is wireless or a landline.</p> <p>16 Q. And when it says Do Not Call or okay to</p> <p>17 call, what are the different factors that the</p> <p>18 scrubbing tool takes into account?</p> <p>19 It's not just internal Do Not Call, is it?</p> <p>20 A. No. It's Federal, Allstate specific and</p> <p>21 the Allstate Company specific Do Not Call list.</p> <p>22 Q. So is it accurate to say that it's the</p> <p>23 Federal Do Not Call registry, it runs through the</p> <p>24 State Do Not Call rules, then it also runs through</p>

<p style="text-align: right;">Page 26</p> <p>1 the internal company specific Do Not Call list, and  2 then it also tells you whether it's a cell or a  3 landline; is that right?  4 A. Yes.  5 Q. Okay. How does the cell versus landline  6 scrub work?  7 A. Allstate purchases the wireless blocks from  8 an external provider. So it's wireless and VoIP  9 numbers. We consider those all wireless, and it's  10 part of that same service call.  11 Q. Is that from IMS?  12 A. Yes.  13 Q. Those guys just raised their rates.  14 And have you generally found that IMS to be  15 accurate?  16 A. It's our provider. We have no comparison.  17 Q. Has it worked well for Allstate, generally?  18 MR. LEWIS: Objection. Form.  19 THE WITNESS: Yes. I can't recall any  20 issues with the files.  21 BY MR. BURKE:  22 Q. Okay. And so when the results come back  23 and it says Do Not Solicit, does the results say why  24 you shouldn't solicit?</p>	<p style="text-align: right;">Page 28</p> <p>1 for people being customers.  2 Does the EBR scrub also account for folks  3 who have made an inquiry within the past three or 18  4 months?  5 A. Not in the scrubbing tool.  6 Q. Is there a process at Allstate that does  7 that kind of scrub?  8 A. That is up to the agents. If they receive  9 an inquiry, they document it.  10 If they've got prior express written  11 consent that they've received, they document that,  12 as well.  13 Q. And where are agents supposed to document  14 their consent?  15 A. In Gateway.  16 Q. Let's talk about Gateway for a few minutes.  17 I think you mentioned in the very beginning  18 that it is a customer relationship manager platform;  19 CRM, is that right?  20 A. Yes.  21 Q. What kinds of information are in Gateway  22 for a particular customer?  23 A. The policies they have; family members that  24 are on the policies; phone numbers; birth dates.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. It's truly okay to call or Do Not Call.  2 Q. So it's a binary answer?  3 A. Yes.  4 Q. And so would it be accurate to say that if  5 any one of those scrubs: DNC registry, internal  6 DNC, State law, if any one of those says don't call,  7 then the answer for that phone number is just  8 Do Not Call; is that right?  9 A. Yes. Actually, customer status is checked,  10 because there's established business relationship  11 redemptions for customers where those numbers might  12 be then okay to call if that number is only on a  13 Federal or State list and not on the Allstate  14 Company specific list.  15 If you're a prospect, that number is going  16 to show up as Do Not Call, no matter what list it's  17 on.  18 Q. And so how does Allstate keep tracks of its  19 existing business relationship data?  20 That seems really complex.  21 A. I can't really speak to that. That's very  22 technical.  23 Q. Does Allstate, does that scrub -- I think  24 that you said a moment ago that the scrub accounts</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Does Gateway keep track of potential  2 customers, as well?  3 A. Yes.  4 Q. Okay. And what kind of information does  5 Gateway keep for potential customers?  6 A. Generally name, address, phone number. You  7 know, if any agent had quoted them in the past, or  8 if they have, again, consent to call, they would  9 make a note in that record.  10 Q. Does Gateway also keep track of  11 solicitation attempts by Allstate or Allstate  12 agents?  13 A. If an agent has made an attempt, they would  14 generally make a note in Gateway.  15 Q. And so what information about an attempt  16 would go into Gateway?  17 Would it be, like: Oh, I sent this  18 prospective customer a letter on, you know, January  19 15th, 2021, or something different?  20 MR. LEWIS: Objection. Form.  21 THE WITNESS: So generally, yes. What  22 contact channel; when they did it; if it was a phone  23 call, who they spoke to.  24</p>



<p style="text-align: right;">Page 30</p> <p>1 BY MR. BURKE:</p> <p>2 Q. And are agents required to enter that</p> <p>3 information into Gateway about prospective</p> <p>4 customers?</p> <p>5 A. That is where we tell them to enter it.</p> <p>6 They sometimes have their additional CRMs</p> <p>7 that they purchased themselves. I can't speak to</p> <p>8 that. They just have to maintain records of</p> <p>9 their -- all their contact.</p> <p>10 Q. Is there some policy that requires them to</p> <p>11 enter prospective customer information into Gateway?</p> <p>12 A. No.</p> <p>13 Q. Okay. Turning back to the scrubbing tool,</p> <p>14 is there a way to do a query, as an administrator or</p> <p>15 otherwise, to determine what phone numbers a</p> <p>16 particular agent has scrubbed, for example, in the</p> <p>17 past year?</p> <p>18 A. Yes.</p> <p>19 Q. How would you go about doing that?</p> <p>20 A. There is an admin function available to</p> <p>21 only a few people, and we would be able to enter --</p> <p>22 we can search by the user ID, we can search by the</p> <p>23 phone number for a specific date range.</p> <p>24 Q. Okay. And can you develop custom queries,</p>	<p style="text-align: right;">Page 32</p> <p>1 Directing your attention to a document</p> <p>2 entitled Corporate Do Not Call and no fax</p> <p>3 solicitation policies, this is a four-page document</p> <p>4 running from ALL 233, to ALL 236.</p> <p>5 Can you see what I'm showing here?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What is this?</p> <p>8 A. Allstate's Do Not Call policy.</p> <p>9 Q. Okay. And this one says it's revised</p> <p>10 September, 2020.</p> <p>11 Is this the most recent one?</p> <p>12 A. Yes.</p> <p>13 Q. What were the revisions that were made in</p> <p>14 September, 2020, from the prior version?</p> <p>15 A. This was to include the information that</p> <p>16 phone numbers do not remain on the Do Not Call list</p> <p>17 indefinitely, they are removed pursuant to Federal</p> <p>18 and State rules for commissions.</p> <p>19 Q. So is it accurate to say that before</p> <p>20 September, 2020, the policy was that phone numbers</p> <p>21 remained on the internal Do Not Call list</p> <p>22 indefinitely?</p> <p>23 A. Yes.</p> <p>24 Q. And so if I put my phone on Allstate</p>
<p style="text-align: right;">Page 31</p> <p>1 as well, on that admin tool?</p> <p>2 A. No.</p> <p>3 Q. And is the admin tool through the scrubbing</p> <p>4 tool, or is it through some other software?</p> <p>5 A. The scrubbing tool.</p> <p>6 Q. And so when you run those queries, is it</p> <p>7 like a drop-bound box, or what does it look like?</p> <p>8 A. Sorry, what? Can you repeat that?</p> <p>9 Q. If you were to run a query to determine,</p> <p>10 you know, what phone numbers were scrubbed during a</p> <p>11 particular timeframe by a particular person, what</p> <p>12 does that interface look like on the scrubbing tool</p> <p>13 for an admin doing that sort of query?</p> <p>14 A. It would be a box to enter a user ID, and</p> <p>15 you'd click it to say: Do you want to see phone</p> <p>16 numbers that were scrubbed, or mailing addresses</p> <p>17 that were scrubbed.</p> <p>18 If you want a phone number, it's a field;</p> <p>19 you'd enter just the phone number in that field,</p> <p>20 select the date range, click go.</p> <p>21 Q. And is that admin interface something that</p> <p>22 you have at your work station in Northbrook?</p> <p>23 A. Yes.</p> <p>24 Q. Let's look at an exhibit. Okay.</p>	<p style="text-align: right;">Page 33</p> <p>1 Internal Do Not Call list in 2019, before this</p> <p>2 change in policy, what would happen on the five-year</p> <p>3 anniversary of my being placed on the Do Not Call</p> <p>4 list in 2019?</p> <p>5 A. It depends on your state.</p> <p>6 Q. Say my state doesn't have any regulations</p> <p>7 on it.</p> <p>8 A. Then Federal.</p> <p>9 Q. So it would come off?</p> <p>10 A. Yes. Unless Allstate has decided you are</p> <p>11 in a state that it does not want to remove the</p> <p>12 numbers.</p> <p>13 Q. Don't you think the folks who put their</p> <p>14 numbers on the Allstate Do Not Call list in 2019</p> <p>15 when the policy was that they would remain</p> <p>16 indefinitely, had an expectation that their numbers</p> <p>17 would remain indefinitely when they placed their</p> <p>18 numbers on the list?</p> <p>19 MR. LEWIS: Objection to the form of the</p> <p>20 question. It's argumentative and outside the scope</p> <p>21 of the topics that were noticed.</p> <p>22 MR. BURKE: You can answer.</p> <p>23 THE WITNESS: Yeah. To my knowledge, yeah.</p> <p>24 I wouldn't -- I don't know that individuals would</p>

<p style="text-align: right;">Page 34</p> <p>1 expect their phone number to remain on the list 2 indefinitely. 3 BY MR. BURKE: 4 Q. Well, to be clear, the policy before 5 September, 2020 was that the phone numbers would 6 remain indefinitely, right? 7 A. That wasn't stated. It just says: We will 8 add your phone number. It will be honored within 30 9 days. 10 Q. So it didn't say indefinitely, but that was 11 what Allstate read it to be at the time? 12 A. That was Allstate's decision not to take 13 numbers off at that time. 14 Q. Okay. Now, directing your attention to 15 Bullet Point 1. This sentence that I have 16 highlighted says: Do not initiate a telephone call 17 to phone numbers on the Allstate Do Not Call list 18 for the purpose of encouraging the purchase of 19 products or services, unless a consumer or customer 20 on the Allstate Do Not Call list has made an inquiry 21 about a product or service as evidenced by an 22 express written invitation or consent to call the 23 person and phone number. 24 Does that statement accurately reflect</p>	<p style="text-align: right;">Page 36</p> <p>1 would enter that information, the relationship 2 history in Gateway, noting again the date, why the 3 person called, and the number they were given 4 permission to dial. 5 Q. And is there some sort of script or 6 something that directs agents what to ask when 7 they're obtaining prior written invitation or 8 consent? 9 MR. LEWIS: Objection. I'm asking for 10 clarification as to whether Counsel was talking 11 about a script that Allstate provided, or an agent's 12 script that they may have developed internally? 13 MR. BURKE: I'm just asking about any 14 script. 15 MR. LEWIS: Ms. Lim, do you understand the 16 question? 17 THE WITNESS: Yes. Actually, in our 18 Do Not Call course, contact compliance course, we do 19 explain what they need to retain. And so therefore, 20 that's what they would need to ask the individual 21 who is making the request. 22 BY MR. BURKE: 23 Q. Directing your attention again to the 24 screen share, I pulled up what appears to me to be</p>
<p style="text-align: right;">Page 35</p> <p>1 Allstate's policy as to calling folks who are on the 2 Allstate Do Not -- the internal Do Not Call list? 3 MR. LEWIS: Objection. Form. 4 THE WITNESS: That is a correct statement. 5 Remember, the Allstate Do Not Call list 6 consists of Federal, State and Allstate specific 7 Do Not Call. 8 BY MR. BURKE: 9 Q. So if I ran that scrub of 10,000 numbers, 10 and say 5,000 came back go ahead and call, and 5,000 11 came back Do Not Call, my reading of this says that 12 if I have express written invitation or consent, I 13 can call the 5,000 who were Do Not Call. 14 Is that your reading, as well? 15 A. Yes. It would be highly unusual that you 16 would have consent for 5,000 numbers at one time. 17 Q. The next sentence in Bullet Point 1 on 18 Bates 233, says: The inquiry must be properly 19 documented in the consumer or customer file. 20 What does that mean? 21 A. That is the Gateway scenario that we 22 mentioned. Someone calls into the agency and says: 23 I'd like information about X, Y, Z product or 24 service. They would -- the agency staff member then</p>	<p style="text-align: right;">Page 37</p> <p>1 sort of a slide for an online course, Bates No. 175. 2 This is a multi-page document, but I'll just ask you 3 the question before we define the parameters. 4 Is this the training that you were just 5 talking about? 6 A. It's an older version of the training, but 7 yes. 8 Q. How can you tell it's an older version? 9 A. Because the new version does not have this 10 graphic, or this theme of an agent walking his 11 agency through how they should comply. 12 Q. When did this one become defunct, roughly? 13 A. There have been different versions of it 14 over the years since 2004. There were different 15 iterations. 16 This version started in 2014 and went 17 through, I believe, 2018. And then the newer 18 version of the course, which is the contact 19 compliance course, covers multiple topics and 20 primarily Do Not Call and TCPA, but also includes, 21 you know, e-mail, texting and other contact 22 compliance requirements. 23 Q. All right. So I just completed going 24 through this 809-page production from Allstate,</p>

<p style="text-align: right;">Page 38</p> <p>1 looking for quote, contact compliance course, and I</p> <p>2 see a bunch of references to it, but this particular</p> <p>3 search doesn't appear to pull up a course itself.</p> <p>4 Could you tell me a different search that</p> <p>5 might pull up the contact compliance search if it's</p> <p>6 in this production?</p> <p>7 A. Yeah. I know what I loaded into the</p> <p>8 Law Department share for production, I can't speak</p> <p>9 to what you have in this set.</p> <p>10 Q. I hear you. I hear you. I know that</p> <p>11 whatever you did got filtered through several</p> <p>12 people. I'm just trying to figure out if it's in</p> <p>13 here.</p> <p>14 So, I was wondering if you could please</p> <p>15 tell me some sort of search term that I can use that</p> <p>16 might find it.</p> <p>17 A. It would be the contact compliance course</p> <p>18 overview.</p> <p>19 Q. Nothing.</p> <p>20 A. I'm guessing the 2019.</p> <p>21 Q. I do see, for example, on Page 43, Bates</p> <p>22 No. 43, it references the corporate contact</p> <p>23 compliance course.</p> <p>24 Is that what you're talking about?</p>	<p style="text-align: right;">Page 40</p> <p>1 allstate.com, log in with their agent credentials,</p> <p>2 and then they can access Gateway through that?</p> <p>3 A. I believe so. I don't know that it's</p> <p>4 allstate.com, it might be a different link.</p> <p>5 Q. Okay. So directing your attention to a</p> <p>6 14-page document beginning at Allstate 582 entitled:</p> <p>7 Scrubbing your data file on the Do Not Solicit</p> <p>8 scrubbing tool job aid.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. What is this?</p> <p>12 A. It is a job aid. If the agency decides</p> <p>13 that they want to upload a large file to the</p> <p>14 scrubbing tool instead of using the phone search</p> <p>15 individual, you know, maximum 40-number manual entry</p> <p>16 option.</p> <p>17 Q. So would an agent find this on Gateway,</p> <p>18 also?</p> <p>19 A. Yeah. It's on Gateway, and it's also</p> <p>20 within the scrubbing tool.</p> <p>21 Q. And so I see sort of in the middle of this</p> <p>22 page it says: Calls must not be placed to the</p> <p>23 numbers that have Do Not Call status, no matter the</p> <p>24 type, no matter the phone type identified.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yes. Uh-huh.</p> <p>2 Q. And these blue underlined portions of the</p> <p>3 page, are those supposed to be hyperlinks?</p> <p>4 A. Yeah. They would be hyperlinks if you were</p> <p>5 viewing this in Gateway.</p> <p>6 Q. And so how does an agent log into Gateway?</p> <p>7 Is it just on the Internet?</p> <p>8 A. It's on the Intranet.</p> <p>9 Q. And so if an Allstate agent is, like,</p> <p>10 traveling, is that person able to access the</p> <p>11 Intranet, like, on their laptop or, you know, if</p> <p>12 they needed to, at a library?</p> <p>13 A. Yes. Uh-huh.</p> <p>14 Q. Okay. So there's a regular Internet</p> <p>15 website that they can go to?</p> <p>16 A. Yes.</p> <p>17 Q. What is it?</p> <p>18 A. They're in Gateway every day. It's</p> <p>19 literally Gateway.</p> <p>20 Q. .com?</p> <p>21 A. No. It's an Allstate Intranet site. They</p> <p>22 have to log in to Allstate to be able to access</p> <p>23 Gateway.</p> <p>24 Q. I see. So they navigate to, like,</p>	<p style="text-align: right;">Page 41</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Can you square that with the Do Not Call</p> <p>4 policy that we just read that said that you can call</p> <p>5 folks with a Do Not Call status if you have consent?</p> <p>6 MR. LEWIS: Objection. Form.</p> <p>7 THE WITNESS: Yes. This particular comment</p> <p>8 in red font belongs to this additional note.</p> <p>9 So all the sentences immediately above it</p> <p>10 that say that the scrubbing tool will identify if a</p> <p>11 phone number is Do Not Call, as well as if it's a</p> <p>12 wireless or landline number.</p> <p>13 So just because they see a number is a</p> <p>14 landline, that doesn't mean that they can call the</p> <p>15 number if that number also shows up as Do Not Call.</p> <p>16 BY MR. BURKE:</p> <p>17 Q. Where, on this document, does it say that</p> <p>18 if there was consent, that you're allowed to call a</p> <p>19 Do Not Call status phone number?</p> <p>20 MR. LEWIS: Objection. Form.</p> <p>21 THE WITNESS: Right. It wouldn't apply to</p> <p>22 this. It's just the scrubbing tool job aid. It's</p> <p>23 not meant to be anything else other than the</p> <p>24 requirement above that they all have to follow, you</p>

<p style="text-align: right;">Page 42</p> <p>1 know, the Do Not Call policy, and how frequently</p> <p>2 they have to scrub.</p> <p>3 BY MR. BURKE:</p> <p>4 Q. So I don't totally understand what you're</p> <p>5 saying about this last red sentence: Calls must not</p> <p>6 be placed to numbers that have Do Not Call status,</p> <p>7 no matter the type, the phone type identified.</p> <p>8 How is that consistent with the Do Not Call</p> <p>9 policy that we just looked at a few minutes ago?</p> <p>10 MR. LEWIS: Objection.</p> <p>11 BY MR. BURKE:</p> <p>12 Q. At Bates -- I'm sorry, I'm not finished.</p> <p>13 At Bates 233, that says you are allowed to</p> <p>14 call numbers that have a Do Not Call status if you</p> <p>15 have express written invitation or consent.</p> <p>16 MR. LEWIS: Are you finished now, Counsel?</p> <p>17 MR. BURKE: Yes.</p> <p>18 MR. LEWIS: Objection. Form.</p> <p>19 THE WITNESS: Shall I continue?</p> <p>20 MR. LEWIS: If you understand it, yeah.</p> <p>21 THE WITNESS: Yes. So, agents don't need</p> <p>22 to scrub if there is an inquiry or consent to call.</p> <p>23 So they would not need to use the scrubbing</p> <p>24 tool for that purpose.</p>	<p style="text-align: right;">Page 44</p> <p>1 THE WITNESS: Then I will not answer.</p> <p>2 BY MR. BURKE:</p> <p>3 Q. Has it always been Allstate's policy that</p> <p>4 if you have express written invitation or consent to</p> <p>5 call you don't need to scrub against the scrubbing</p> <p>6 tool?</p> <p>7 MR. LEWIS: Objection to form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. Is Allstate generally aware that its agents</p> <p>11 sometimes make outbound telemarketing phone calls?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And is Allstate aware that its</p> <p>14 agents sometimes engage vendors to generate leads or</p> <p>15 to make telemarketing phone calls on their behalf?</p> <p>16 MR. LEWIS: Objection. Form.</p> <p>17 On whose behalf, Counsel? You said on</p> <p>18 their behalf. That's vague.</p> <p>19 MR. BURKE: Rod, let's just keep the</p> <p>20 objection to a single word. Form. Privilege. That</p> <p>21 sort of stuff. Please.</p> <p>22 MR. LEWIS: Well, that depends, right? If</p> <p>23 a question needs clarification, I'm just asking you</p> <p>24 to clarify the question.</p>
<p style="text-align: right;">Page 43</p> <p>1 This specific statement is speaking to the</p> <p>2 results filed that they're going to receive, which</p> <p>3 also shows the numbers wireless, where it will</p> <p>4 either say it's wireless, no sales calls permitted,</p> <p>5 and the state, or it will be wireless, dial manually</p> <p>6 or landline ATDA okay.</p> <p>7 And so Allstate provides that additional</p> <p>8 information to the agent, along with the Do Not Call</p> <p>9 status, or okay to call status, and whereas one of</p> <p>10 those responses might be: Wireless, dial manually,</p> <p>11 you may not even dial the wireless number if it</p> <p>12 shows up as Do Not Call in this results file.</p> <p>13 This is speaking specifically to the</p> <p>14 results file.</p> <p>15 BY MR. BURKE:</p> <p>16 Q. So what you're saying, I think, is that if</p> <p>17 you have written invitation or consent, you don't</p> <p>18 need to scrub the phone number against Allstate's</p> <p>19 internal Do Not Call list; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. From where does that policy derive?</p> <p>22 MR. LEWIS: Objection. If you cannot</p> <p>23 answer without revealing privileged information, I</p> <p>24 will instruct you not to answer.</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. BURKE: Yeah. But Rod, you're not the</p> <p>2 one who needs clarification. If the witness</p> <p>3 understands the answer, the witness will answer.</p> <p>4 If you don't understand the question, you</p> <p>5 can object to form, but I don't want you doing these</p> <p>6 speaking objections where you talk about why you</p> <p>7 don't understand, because it's immaterial whether</p> <p>8 you understand.</p> <p>9 The objection you're allowed to make is a</p> <p>10 form objection, and that's it.</p> <p>11 MR. LEWIS: You don't have to do this on</p> <p>12 the record, Counsel, but again, if there's a</p> <p>13 question that's vague, and I'm objecting because</p> <p>14 it's vague, I'm letting you know what's vague about</p> <p>15 the questions.</p> <p>16 MR. BURKE: All right. Well, if you</p> <p>17 continue this speaking objection pattern, I'm either</p> <p>18 going to stop the deposition, or we're going to call</p> <p>19 the Judge.</p> <p>20 MR. LEWIS: Well, we'll see. Proceed.</p> <p>21 MR. BURKE: Court reporter, would you</p> <p>22 please read the last question.</p> <p>23 (The requested portion of the record</p> <p>24 was read by the reporter.)</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. LEWIS: Same objection.</p> <p>2 MR. BURKE: You can answer.</p> <p>3 THE WITNESS: Allstate has independent</p> <p>4 agents, and they are permitted to contract with</p> <p>5 vendors to place calls on their behalf.</p> <p>6 BY MR. BURKE:</p> <p>7 Q. Okay. And so how would a vendor of an</p> <p>8 Allstate agent scrub the phone numbers that they</p> <p>9 wanted to call on behalf of the agent or Allstate?</p> <p>10 MR. LEWIS: Objection. Form.</p> <p>11 THE WITNESS: Agents are required to scrub</p> <p>12 lists that they want a vendor to call on their</p> <p>13 behalf.</p> <p>14 BY MR. BURKE:</p> <p>15 Q. Okay. But I'm asking how would a vendor</p> <p>16 scrub?</p> <p>17 A. A vendor does not have access to the</p> <p>18 scrubbing tool.</p> <p>19 Q. Is it accurate to say that vendors aren't</p> <p>20 allowed to scrub using the scrubbing tool?</p> <p>21 MR. LEWIS: Objection. Form.</p> <p>22 THE WITNESS: Yes. They have no access to</p> <p>23 Allstate's scrubbing tool.</p> <p>24 It's incumbent on the agent to scrub if</p>	<p style="text-align: right;">Page 48</p> <p>1 So, say I'm an Allstate agent and I call</p> <p>2 somebody at -- a non-customer, and that person says:</p> <p>3 Don't call me anymore.</p> <p>4 What am I supposed to do?</p> <p>5 A. They're supposed to inform the individual</p> <p>6 that they will accept their Do Not Call request.</p> <p>7 The agent has to go into Gateway within one</p> <p>8 business day to enter that Do Not Call request.</p> <p>9 They also explain that if this individual</p> <p>10 is going to change their number in the future, that</p> <p>11 they need to add that number to the Do Not Call</p> <p>12 list, and now they're supposed to include the</p> <p>13 information that the number does not remain on the</p> <p>14 list indefinitely.</p> <p>15 Q. So while you were answering, I pulled up a</p> <p>16 two-page document entitled: Handling Do Not Call</p> <p>17 requests, at Bates 751 to 752.</p> <p>18 Are you familiar with this document?</p> <p>19 A. Yes.</p> <p>20 Q. And is this the -- did this come from</p> <p>21 Gateway?</p> <p>22 A. Yes. We post that on Gateway.</p> <p>23 Q. And I see at the bottom of 752 there's</p> <p>24 actually a direct link to this content.</p>
<p style="text-align: right;">Page 47</p> <p>1 they don't have, you know, an inquiry or prior</p> <p>2 express written consent for a call.</p> <p>3 BY MR. BURKE:</p> <p>4 Q. And how much activity is there generally</p> <p>5 per day on the scrubbing tool?</p> <p>6 MR. LEWIS: Objection. Form.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 BY MR. BURKE:</p> <p>9 Q. Is there some sort of tool that you could</p> <p>10 use to generate that sort of report that provides</p> <p>11 that information?</p> <p>12 A. I would not be able to. Our team is</p> <p>13 responsible for the business rules in the tool, and</p> <p>14 to make sure that if anyone reports that there's an</p> <p>15 issue, that it gets fixed.</p> <p>16 But the technical team owns the tool.</p> <p>17 Q. And where is that technical team?</p> <p>18 A. That's, I believe, at Allstate Corporate.</p> <p>19 Q. Okay. In Northbrook, also, you think?</p> <p>20 A. I think so. They have partners, again, in</p> <p>21 Belfast, as well. It's just an Allstate technical</p> <p>22 group.</p> <p>23 Q. Okay. So let's talk about Do Not Call</p> <p>24 requests.</p>	<p style="text-align: right;">Page 49</p> <p>1 Does that link, or does that URL refresh</p> <p>2 your recollection of where Gateway resides on the</p> <p>3 Internet?</p> <p>4 A. agencygateway.allstate.com?</p> <p>5 Q. Right.</p> <p>6 A. Yes. It's still internal to Allstate.</p> <p>7 Q. It is? Okay. I just clicked on the link,</p> <p>8 and I'm showing you on the screen the URL -- or the</p> <p>9 web page that came in, and it's a log-in.</p> <p>10 A. Right. Which you would not be able to</p> <p>11 access.</p> <p>12 Q. Okay. And this is for agents only; is that</p> <p>13 right?</p> <p>14 A. Agents and their staff members.</p> <p>15 Q. Okay. So, thinking about the nuts and</p> <p>16 bolts of actually how it happens.</p> <p>17 So, say I'm the agent and the consumer</p> <p>18 says: Quit calling me.</p> <p>19 So I go into Gateway, and what do I do?</p> <p>20 A. They would go into this, as you see this</p> <p>21 Gateway Household View, and that's individual</p> <p>22 records for customers and prospects, and they would</p> <p>23 pull up that individual's record.</p> <p>24 There's an edit function. They would go in</p>



<p style="text-align: right;">Page 50</p> <p>1 and click to -- on the little box that says: Add to  2 Allstate's Do Not Call list, and then they'd click:  3 Save.  4 Q. Now, I don't totally understand that  5 answer. So -- in the context of this document.  6 Because I see below it says: Handling DNC  7 requests where a number is not found in Gateway. So  8 that leads me to think that up here where it says:  9 Use Gateway Household View to add customer and  10 prospect phone numbers to the Allstate DNC list  11 applies where the phone number is already in  12 Gateway; is that right?  13 A. Yes. There are times an agency might  14 receive a call, and that individual is not yet in  15 Gateway. An individual can revoke their consent at  16 any time.  17 So, they could reach out to an agency, they  18 could call the Allstate contact center. Maybe the  19 agent received a Do Not Call request. There is a  20 process, there's a work-around for them to  21 quote/unquote add a prospect and then set the  22 Do Not Call request within that.  23 Q. Is it possible to add a Do Not Call list --  24 a Do Not Call designation for their phone number</p>	<p style="text-align: right;">Page 52</p> <p>1 BY MR. BURKE:  2 Q. No, I understand. I mean, sometimes  3 they'll have the name, address and phone number.  4 I'm trying to figure out what happens when  5 somebody only has a phone number, or really, what if  6 they have, like, a list of phone numbers?  7 This document handling Do Not Call requests  8 doesn't address that situation, does it?  9 A. Not specifically. There's information in  10 the Gateway portal about if agents have other  11 technical questions, where they can reach out to a  12 technical group that can assist.  13 Q. Okay. And that's just a generalized: If  14 you have additional questions, you can ask any  15 question, and here's the e-mail address?  16 A. Yeah. I'm not sure which e-mail address.  17 It goes to a team. It's a technical function within  18 Gateway. I can't really speak to that.  19 Q. When an agent or someone who has access to  20 the scrubbing tool scrubs a batch of phone numbers,  21 what information about that scrub is maintained by  22 Allstate?  23 A. Allstate maintains a log of the user who  24 submitted the request; the result that was returned,</p>
<p style="text-align: right;">Page 51</p> <p>1 that does not have a name or address associated with  2 it?  3 A. Yes.  4 Q. How would you do that?  5 A. They would send an e-mail to -- they've got  6 a technical group that assists them, and then that  7 group is able to enter the number without any other  8 additional information.  9 Q. And so is there somewhere on this document,  10 or somewhere else that says to do that?  11 A. I believe it appears in the Gateway -- in  12 the Gateway portal. There's just a place where they  13 can ask any question of the tech group on any topic.  14 Q. I see. And so the status quo is that you  15 must use a name and address to add a phone number to  16 the Do Not Call list using Gateway; is that right?  17 MR. LEWIS: Object to form.  18 THE WITNESS: Right. If the customer or  19 prospect record exists there, then they're able to  20 make that change.  21 If they were working, for example, from a  22 link list and that individual called back, it would  23 have the name, the address and the phone number to  24 be able to add a prospect.</p>	<p style="text-align: right;">Page 53</p> <p>1 whether okay to call, Do Not Call, wireless,  2 landline, how they submitted the request; was it a  3 phone search, was it manual -- phone search, or was  4 it a file upload.  5 Q. And then does Allstate maintain those phone  6 numbers in any way? The phone numbers.  7 So, for example, if I did that same 10,000  8 phone number scrub, do those phone numbers go into  9 some prospective customer database?  10 A. No. If an agent is using that list, we  11 don't know what they're doing with that, whether  12 they're going to send that to a telemarketing  13 provider they've contracted with, or they're going  14 to have their agency staff place phone calls to an  15 Okay to Call number.  16 Q. And so say there were, you know, 3,000 of  17 the phone numbers that I tried to scrub were already  18 in Allstate's Gateway database.  19 Would there be any association between the  20 scrub and the Gateway data?  21 MR. LEWIS: Objection. Form.  22 THE WITNESS: I'm not sure I understand  23 your question.  24</p>



<p style="text-align: right;">Page 54</p> <p>1 BY MR. BURKE:</p> <p>2 Q. So, like say John Doe's phone number is</p> <p>3 already in Gateway as a prospective customer, and</p> <p>4 John Doe's phone number is also in my 10,000 phone</p> <p>5 number scrub. I'm wondering whether Gateway will</p> <p>6 show that that phone number was scrubbed?</p> <p>7 A. No. There's no correlation.</p> <p>8 Gateway would already show if the number is</p> <p>9 Do Not Call or Okay to Call, as would the scrubbing</p> <p>10 tool results. But they don't link to each other.</p> <p>11 Q. Have they ever been linked together as part</p> <p>12 of a project or otherwise?</p> <p>13 MR. LEWIS: Objection. Form.</p> <p>14 THE WITNESS: Not to my knowledge. And</p> <p>15 I've been part of the team since 2009.</p> <p>16 BY MR. BURKE:</p> <p>17 Q. To your knowledge, has Allstate ever done,</p> <p>18 like, any sort of audit or investigation as to how</p> <p>19 agents use the scrubbing tool?</p> <p>20 MR. LEWIS: Objection. Form.</p> <p>21 THE WITNESS: Again, they're required to</p> <p>22 use it. If they plan to place phone calls, they are</p> <p>23 required to use it.</p> <p>24 We don't track whether agents use it or</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. What does it mean to be out of location?</p> <p>2 A. Agents are only permitted to look at their</p> <p>3 own book of business. They are not permitted to</p> <p>4 look at another agent's book of business, unless</p> <p>5 they have a policy number.</p> <p>6 But, again, they usually need to get</p> <p>7 assistance on that.</p> <p>8 Q. What do you mean a book of business?</p> <p>9 What is that?</p> <p>10 A. It's a list of their customers.</p> <p>11 Q. So, like if I'm an Allstate agent, and a</p> <p>12 non-customer tells me: Don't call anymore, and I</p> <p>13 live in Illinois and that person lives in Wisconsin,</p> <p>14 would that be a situation that this header would</p> <p>15 apply to?</p> <p>16 A. Most likely. I can't answer that yes or</p> <p>17 no.</p> <p>18 That part of Gateway is not -- not</p> <p>19 necessarily DNC specific, it's for any business that</p> <p>20 someone might call in on that doesn't belong to the</p> <p>21 agency, they have to get assistance.</p> <p>22 Q. What if I'm an Allstate agent and I need to</p> <p>23 do a scrub query for a bunch of phone numbers who</p> <p>24 are customers of some other Allstate agent?</p>
<p style="text-align: right;">Page 55</p> <p>1 not, because Allstate does not require them to place</p> <p>2 telemarketing calls.</p> <p>3 BY MR. BURKE:</p> <p>4 Q. Right. So the question was whether</p> <p>5 Allstate has ever investigated whether its agents,</p> <p>6 you know, were properly using the scrub tool?</p> <p>7 MR. LEWIS: Same objection.</p> <p>8 THE WITNESS: Yeah. I don't know.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. How would you go about finding out the</p> <p>11 answer to that question?</p> <p>12 A. I would imagine we would contact the tools</p> <p>13 owner; again, on the tech team, and ask if it could</p> <p>14 run metrics.</p> <p>15 Q. Do you know any of those folks' names?</p> <p>16 A. I don't.</p> <p>17 Q. What's the formal name of the team again?</p> <p>18 A. It's changed over the years, so probably</p> <p>19 now it's an Agency Channel Technology Team.</p> <p>20 Q. Toward the bottom of Allstate 751 there's a</p> <p>21 header that says: Handling out of location DNC</p> <p>22 requests.</p> <p>23 Do you see what I'm talking about?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 Then what happens?</p> <p>2 A. Within the scrubbing tool, agents can also</p> <p>3 choose to get customer status. Whether someone is a</p> <p>4 customer, former customer, prospect or a claim</p> <p>5 contact.</p> <p>6 Q. Is that like a -- go ahead.</p> <p>7 A. I was going to say generally they would use</p> <p>8 their book of business if they're going to do, like,</p> <p>9 a customer cross-sell call; that's what they plan to</p> <p>10 do.</p> <p>11 Q. And what's a cross-sell call?</p> <p>12 A. If a customer has auto insurance, for</p> <p>13 example, and the agent believes that the customer</p> <p>14 might be interested in homeowner's insurance.</p> <p>15 Q. And what about, what's a win-back call?</p> <p>16 A. A win-back is when a customer is now a</p> <p>17 former customer; their policy has been terminated,</p> <p>18 whether, you know, for numerous reasons. Whether</p> <p>19 the customer requested that, or it was a different</p> <p>20 situation.</p> <p>21 And if the agent wants to try to win them</p> <p>22 back, they would treat them as a prospect, and scrub</p> <p>23 them for that call.</p> <p>24 Q. What processes does Allstate have in place</p>

<p style="text-align: right;">Page 58</p> <p>1 to facilitate adding batches of phone numbers from 2 vendors; raw phone numbers from vendors, to the 3 Do Not Call list?</p> <p>4 A. So, I can only speak to Allstate contracted 5 call vendors, where there are agreements with 6 Allstate. They must send all Do Not Call requests 7 that they get, doing business for Allstate, to a 8 data consolidation vendor, who then sends those 9 Do Not Call requests to Allstate to be incorporated 10 into the large Allstate Do Not Call list.</p> <p>11 Q. Does Allstate offer that service to 12 non-approved vendors?</p> <p>13 A. No. There's no contract with them.</p> <p>14 Q. But it could provide that service to 15 non-approved vendors, couldn't it?</p> <p>16 MR. LEWIS: Objection. Form.</p> <p>17 THE WITNESS: No. It's only available to 18 Allstate contracted vendors.</p> <p>19 If agents are using a non-Allstate 20 contracted vendor, they are required to get any 21 Allstate specific Do Not Call requests from that 22 vendor, and then enter them into Gateway.</p> <p>23 BY MR. BURKE:</p> <p>24 Q. When you say Allstate specific requests</p>	<p style="text-align: right;">Page 60</p> <p>1 that includes this ability to provide Allstate with 2 the Allstate Do Not Call request that that vendor 3 has received on behalf of Allstate.</p> <p>4 Allstate cannot require a non-Allstate 5 contracted vendor to do anything. It's the agent's 6 obligation to make sure that any vendor they hire is 7 following all of the Allstate requirements, as well 8 as Federal and State rules and regs.</p> <p>9 Q. Are there any, like, physical impediments 10 to allowing non-approved vendors to enter phone 11 numbers onto the Allstate internal Do Not Call list?</p> <p>12 MR. LEWIS: Objection. Form.</p> <p>13 THE WITNESS: Our agreement with our data 14 consolidation vendor is that they are only working 15 with Allstate contracted vendors.</p> <p>16 BY MR. BURKE:</p> <p>17 Q. But that's a contractual reason.</p> <p>18 Are there any other non-contractual reasons 19 why Allstate couldn't collect Do Not Call 20 information from non-approved vendors?</p> <p>21 MR. LEWIS: Objection. Form.</p> <p>22 THE WITNESS: I really can't answer that, 23 other than you're either a contracted vendor, or 24 you're not a contracted Allstate vendor.</p>
<p style="text-align: right;">Page 59</p> <p>1 not to be called, what do you mean?</p> <p>2 A. That means if the vendor is a non-Allstate 3 contracted vendor, in this case receives a Do Not 4 Call request based on the contact that the 5 non-Allstate contracted vendor used to reach out to 6 them, that individual could request that. That 7 non-contracted vendor doesn't have a way to get 8 those Do Not Call requests to Allstate other than 9 through the agent.</p> <p>10 And the agent then, again, is required to 11 enter them into the Gateway within one business day.</p> <p>12 Q. Why doesn't Allstate allow non-approved 13 vendors to enter Do Not Call information into the 14 DNC aggregator?</p> <p>15 MR. LEWIS: Objection. Form.</p> <p>16 THE WITNESS: Because they're not Allstate 17 contracted vendors.</p> <p>18 BY MR. BURKE:</p> <p>19 Q. No, I understand that they're not 20 contracted vendors, I'm wondering why Allstate 21 doesn't allow them to enter those phone numbers into 22 the internal Do Not Call list?</p> <p>23 A. With our contracted vendors, there are 24 other contractual obligations for compliance, and</p>	<p style="text-align: right;">Page 61</p> <p>1 BY MR. BURKE:</p> <p>2 Q. Could you name the Allstate contracted 3 vendors?</p> <p>4 MR. LEWIS: Objection. Outside of the 5 scope of the topics.</p> <p>6 MR. BURKE: You can go ahead.</p> <p>7 THE WITNESS: Right. It doesn't stick to 8 the Do Not Solicit scrubbing tool.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. Are you refusing to answer?</p> <p>11 A. Yes.</p> <p>12 Q. On what basis?</p> <p>13 A. It's proprietary information, and again is 14 not related to the two elements in the notice.</p> <p>15 Q. We just spent ten minutes talking about 16 vendors. Every time I tried to ask about a 17 non-contracted vendor, your answer was about 18 contracted vendors. And those answers were 19 nonresponsive. But this is a follow-up question on 20 those, so I'll ask it again.</p> <p>21 Who are the Allstate contracted vendors for 22 telemarketing?</p> <p>23 MR. LEWIS: Same objection. Outside the 24 scope.</p>

<p style="text-align: right;">Page 62</p> <p>1 THE WITNESS: Yes. And I won't be</p> <p>2 answering, because again, out of scope.</p> <p>3 BY MR. BURKE:</p> <p>4 Q. Is this information that you know?</p> <p>5 A. Yes.</p> <p>6 Q. How many are there?</p> <p>7 MR. LEWIS: Same objection.</p> <p>8 MR. BURKE: You can answer.</p> <p>9 THE WITNESS: It depends on the programs at</p> <p>10 the time, but generally 15.</p> <p>11 MR. LEWIS: Objection.</p> <p>12 BY MR. BURKE:</p> <p>13 Q. Is All Web Leads one of them?</p> <p>14 MR. LEWIS: Same objection.</p> <p>15 THE WITNESS: Shall I respond?</p> <p>16 MR. BURKE: Yes.</p> <p>17 THE WITNESS: Rod?</p> <p>18 MR. LEWIS: I'm not instructing you</p> <p>19 not to answer because it's out of scope, but I'm</p> <p>20 objecting for the record that it's outside of the</p> <p>21 scope.</p> <p>22 THE WITNESS: It is out of scope.</p> <p>23 But, yes. All Web Leads is an Allstate</p> <p>24 contracted vendor.</p>	<p style="text-align: right;">Page 64</p> <p>1 date it.</p> <p>2 And then generally the agent then needs to</p> <p>3 scan it and send it into Allstate.</p> <p>4 Q. And so I think we touched on this earlier</p> <p>5 today.</p> <p>6 Is this the kind of written request that</p> <p>7 Allstate receives like once a month that you</p> <p>8 testified earlier?</p> <p>9 A. Yes. Actually, less than once a month.</p> <p>10 Q. How many times a year would you estimate</p> <p>11 somebody sends a letter to Allstate requesting a DNC</p> <p>12 reversal?</p> <p>13 A. I don't know.</p> <p>14 MR. LEWIS: Objection.</p> <p>15 BY MR. BURKE:</p> <p>16 Q. All right. But less than once a month,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 MR. BURKE: Okay. If it's okay with you,</p> <p>20 let's take a five-minute break.</p> <p>21 MR. LEWIS: Let's make it ten.</p> <p>22 MR. BURKE: Let's go off the record.</p> <p>23 (There was a discussion held</p> <p>24 off the record.)</p>
<p style="text-align: right;">Page 63</p> <p>1 BY MR. BURKE:</p> <p>2 Q. Is Data Log an Allstate contracted vendor?</p> <p>3 MR. LEWIS: Same objection.</p> <p>4 THE WITNESS: And, yes. Data Log is an</p> <p>5 Allstate contracted vendor.</p> <p>6 MR. BURKE: Why don't we -- I want to take</p> <p>7 a break in a minute, but let's just touch on this</p> <p>8 document. So, I'm showing you Bates No. 716. It's</p> <p>9 a one-page document entitled: Handling Do Not</p> <p>10 Solicit Reversal Requests.</p> <p>11 BY MR. BURKE:</p> <p>12 Q. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Are you familiar with this document?</p> <p>15 A. Yes.</p> <p>16 Q. What is it?</p> <p>17 A. So, this is essentially if an individual</p> <p>18 says they would like to resume solicitations because</p> <p>19 their number is on the Do Not Call list, or if they</p> <p>20 would like to resume getting mail or e-mail from</p> <p>21 Allstate if they're on those respective Do Not</p> <p>22 lists, they have to provide a written request to</p> <p>23 Allstate stating that they would like solicitations</p> <p>24 to resume to that specific phone number, sign and</p>	<p style="text-align: right;">Page 65</p> <p>1 BY MR. BURKE:</p> <p>2 Q. So we are back from the break.</p> <p>3 Earlier today we were talking about</p> <p>4 telemarketers or lead generation vendors. You know,</p> <p>5 scrubbing the phone numbers before those folks make</p> <p>6 outbound calls to them.</p> <p>7 And I'm wondering if Allstate has ever done</p> <p>8 any sort of investigation or audit or, you know,</p> <p>9 inquiry of any kind into whether that was really</p> <p>10 happening?</p> <p>11 MR. LEWIS: Objection. Form.</p> <p>12 THE WITNESS: And, sorry, are you asking</p> <p>13 about contracted call vendors, or non?</p> <p>14 BY MR. BURKE:</p> <p>15 Q. Non-contracted call vendors.</p> <p>16 A. I don't know.</p> <p>17 Q. If there had been an investigation like</p> <p>18 that, would it probably have gone through you?</p> <p>19 MR. LEWIS: Objection. Form.</p> <p>20 THE WITNESS: Yeah. Again, I have no</p> <p>21 insight into any non-Allstate contracted call</p> <p>22 vendors.</p> <p>23 BY MR. BURKE:</p> <p>24 Q. Is there any person at Allstate who is more</p>

<p style="text-align: right;">Page 66</p> <p>1 responsible than you are for non-contracted call 2 vendors to lead generators? 3 MR. LEWIS: Objection. Form. 4 THE WITNESS: Anyone at Allstate would 5 only have interactions with contracted call 6 vendors. 7 BY MR. BURKE: 8 Q. No, I understand that concept. 9 But, you know, Allstate's got this policy 10 that says that agents are responsible for scrubbing 11 phone numbers as to outbound call vendors, and I'm 12 just wondering if Allstate has ever inquired as to 13 whether this was actually happening? 14 MR. LEWIS: Objection. Form. 15 THE WITNESS: I don't know. It's a 16 requirement of, you know, agents with their contract 17 with Allstate; the agency standards, you know, and 18 their responsibility to comply with all Federal and 19 State laws and regulations. 20 And again, their obligation is to make sure 21 that any vendor that they hire is conforming to 22 those. 23 BY MR. BURKE: 24 Q. Right. But I'm asking about, like, any</p>	<p style="text-align: right;">Page 68</p> <p>1 rules on there that say you identify yourself, who 2 you're calling on behalf of, provide a phone number 3 if necessary, an address, such that, especially that 4 a Do Not Call request would be made during business 5 hours. 6 BY MR. BURKE: 7 Q. So is it accurate -- oh, sorry. 8 A. That's the -- the extent of it would be 9 whatever is in the Do Not Call policy. 10 Q. So there is a policy about what outside 11 non-contracted lead generators are supposed to say; 12 is that true? 13 MR. LEWIS: Objection. Form. 14 THE WITNESS: No. I mean, the only piece 15 that's applicable is what is in the Do Not Call 16 policy. 17 Anyone calling on behalf of an agent would 18 need to follow those rules, just as an agent would 19 if they were placing those calls themselves. 20 BY MR. BURKE: 21 Q. I get it. So is it true or false that 22 Allstate has guidelines as to what third-party 23 non-contracted lead generators or telemarketers are 24 supposed to say?</p>
<p style="text-align: right;">Page 67</p> <p>1 sort of inquiries into whether the scrubbing was 2 actually happening as to non-contracted outbound 3 lead generators or telemarketers. 4 Do you have any idea? 5 A. I do not. 6 Q. Does Allstate have specific requirements 7 for what agents, or what outside non-contracted call 8 vendors are supposed to say or not say during a lead 9 generation or telemarketing calls? 10 A. Again, any non-Allstate contracted call 11 vendor would have no interaction with Allstate. 12 Q. But that's not the question. 13 I mean, are there rules or guidelines for 14 those folks? 15 Are they allowed to say they're Allstate? 16 MR. LEWIS: Objection. Form. 17 THE WITNESS: Yeah. Again, we have no 18 control over a non-Allstate contracted vendor. It's 19 the agency's responsibility to ensure that if they 20 hire one, that that vendor is using or is 21 following -- like, if it's placing calls on behalf 22 of the agent, and the agent has been required to 23 share the Allstate Do Not Call policy with that 24 vendor, then that vendor is supposed to follow the</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. LEWIS: Objection. 2 THE WITNESS: Yeah. Again, I can only 3 speak to the Allstate Do Not Call policy that was 4 shared by the agent with a non-Allstate contracted 5 vendor. 6 BY MR. BURKE: 7 Q. All I'm looking for is an answer to my 8 question. 9 MR. LEWIS: You got that, Counsel. I know 10 you don't like it, but you've gotten it. 11 MR. BURKE: I have not. 12 I'm asking whether there are any policies 13 at Allstate that tell non-contracted lead generators 14 or telemarketers what they're supposed to say. 15 MR. LEWIS: Same objection. 16 THE WITNESS: Yeah. Again, all I could 17 speak to is the Do Not Call policy. 18 BY MR. BURKE: 19 Q. Okay. Well, what does the policy say about 20 that subject? 21 A. They have to -- to reiterate, they would 22 have to say who they are when they're calling, they 23 have to provide a phone number, the reason for their 24 call.</p>

<p style="text-align: right;">Page 70</p> <p>1 The same as what an agent would do if an 2 agent was placing calls on their own behalf. 3 Q. So, it sounds to me like the answer is yes, 4 Allstate does have requirements for what third-party 5 non-contracted lead generators or telemarketers are 6 supposed to say during telemarketing calls, right? 7 MR. LEWIS: Objection. 8 THE WITNESS: I would say no. Only if an 9 agent hired that non-Allstate contracted vendor to 10 place calls. 11 The agent is responsible for providing them 12 with the Allstate Do Not Call policy, but Allstate 13 Corporate has no interaction with non-Allstate 14 contracted vendors. 15 BY MR. BURKE: 16 Q. I'm not asking what interactions anybody 17 has with anybody else. 18 I'm wondering whether Allstate has a policy 19 that third-party non-contracted telemarketers are 20 supposed to say one thing or another during phone 21 calls. 22 And I think the answer is yes, and I don't 23 understand why you're not just saying it. 24 MR. LEWIS: Counsel, she said no. That's</p>	<p style="text-align: right;">Page 72</p> <p>1 or guidelines for what third-party telemarketers are 2 supposed to say during calls? 3 MR. LEWIS: Objection. 4 BY MR. BURKE: 5 Q. Yes, or no? 6 A. No. 7 Q. So under your estimation -- I'll start the 8 question over. 9 Directing your attention to this four-page 10 document we looked at before beginning at 233, which 11 is the corporate Do Not Call and no fax solicitation 12 policies, Bullet Point 2 says: When making a 13 telephone solicitation, provide the called party 14 with the name of the individual making the call, the 15 name of the person or business on whose behalf the 16 call is being made, the purpose of the call, the 17 products or services that are the subject of the 18 call, and a telephone number or address at which the 19 person or business may be contacted. 20 Do you see that? 21 A. Yes. 22 Q. Are you saying that that requirement 23 does not apply to third-party non-contracted 24 telemarketers and lead generators?</p>
<p style="text-align: right;">Page 71</p> <p>1 how she started her last answer. 2 MR. BURKE: Oh. 3 MR. LEWIS: Can I finish? And then she 4 explained to you what she meant. 5 If you need that answer read back to you, 6 we can. If you need a follow-up question, please 7 ask it. 8 MR. BURKE: Rod, one more speaking 9 objection, characterization of testimony or anything 10 like that, and we're calling the Judge. 11 MR. LEWIS: It's you who started the 12 characterization, and I thought you were doing so 13 improperly, and I didn't say anything, but I 14 objected, okay? Now -- 15 MR. BURKE: One more time. 16 MR. LEWIS: Say again? 17 MR. BURKE: One more time. 18 MR. LEWIS: We can do it now, if you'd like 19 to. 20 MR. BURKE: One more time. 21 MR. LEWIS: Again, we can do it now if 22 you'd like. 23 BY MR. BURKE: 24 Q. The question is, does Allstate have rules</p>	<p style="text-align: right;">Page 73</p> <p>1 A. It would apply if an Allstate agent 2 contracted with one of them and gave them the 3 Allstate Do Not Call policy, which they are required 4 to do. 5 Q. So you're saying that requirement doesn't 6 apply if there's no contract? 7 MR. LEWIS: Objection. 8 THE WITNESS: I'm saying that Allstate 9 would have no other way to get this document to a 10 non-contracted vendor unless an agent had hired that 11 vendor and provided this to that vendor, as they're 12 supposed to do. 13 BY MR. BURKE: 14 Q. We're not talking about, like, whether that 15 happens, we're talking about whether it's a 16 requirement for those third parties. 17 I mean, is it or isn't it? 18 A. It's -- 19 MR. LEWIS: Objection. Form. 20 THE WITNESS: Sorry, Rod, go ahead. 21 MR. LEWIS: Objection. Form. 22 THE WITNESS: Yeah. I'm afraid I don't 23 know how to answer, other than the fact that an 24 agent who contracts with a non-Allstate contracted</p>



<p style="text-align: right;">Page 74</p> <p>1 vendor must provide the Do Not Call policy, and that</p> <p>2 Do Not Call policy must be followed by that</p> <p>3 non-Allstate contracted vendor.</p> <p>4 BY MR. BURKE:</p> <p>5 Q. So, is it true that Allstate's requirement</p> <p>6 is that third-party contracted -- third-party</p> <p>7 non-contracted telemarketing vendors comply with</p> <p>8 Bullet Point 2 of the Do Not Call policy?</p> <p>9 MR. LEWIS: Objection. Form.</p> <p>10 THE WITNESS: They must comply with the</p> <p>11 entire Allstate Do Not Call policy.</p> <p>12 BY MR. BURKE:</p> <p>13 Q. Including Bullet -- I'm sorry for</p> <p>14 interrupting you.</p> <p>15 What did you say?</p> <p>16 A. Yes. Including No. 2.</p> <p>17 Q. Great. And so Bullet Point 2 mentions the</p> <p>18 products or services that are the subject of the</p> <p>19 call. I mean, if you've got a telemarketing call</p> <p>20 that, you know, an agent contracts or asks to be</p> <p>21 made that is advertising Allstate goods and</p> <p>22 services, that would mean that Allstate's products</p> <p>23 and services are the subject of the call, wouldn't</p> <p>24 it?</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. LEWIS: Same objection.</p> <p>2 THE WITNESS: Right. I have no insight</p> <p>3 into how non-Allstate contracted vendors conduct</p> <p>4 their business.</p> <p>5 BY MR. BURKE:</p> <p>6 Q. And to your knowledge, has Allstate ever</p> <p>7 looked into how these non-contracted lead generators</p> <p>8 and telemarketers who are generating business for</p> <p>9 Allstate, you know, how they comply with Allstate's</p> <p>10 policies?</p> <p>11 MR. LEWIS: Objection. Form.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 BY MR. BURKE:</p> <p>14 Q. Have you ever wondered about it?</p> <p>15 MR. LEWIS: Same objection.</p> <p>16 THE WITNESS: Again, I'm only concerned</p> <p>17 with Allstate contracted vendors.</p> <p>18 BY MR. BURKE:</p> <p>19 Q. Is there somebody at Allstate who is</p> <p>20 responsible for non-contracted telemarketing</p> <p>21 vendors; oversight, compliance?</p> <p>22 A. Of non-Allstate contracted vendors?</p> <p>23 Q. Yes.</p> <p>24 A. Again, no, because there's no contract.</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. LEWIS: Objection. Form. Outside the</p> <p>2 scope.</p> <p>3 MR. BURKE: You can answer.</p> <p>4 THE WITNESS: I was going to say that an</p> <p>5 agent who is contracted with an Allstate</p> <p>6 non-contracted vendor or a non-Allstate contracted</p> <p>7 vendor would ask that provider to place calls on</p> <p>8 their behalf for specific products and services.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. Okay. And Allstate agents are exclusive to</p> <p>11 Allstate, aren't they?</p> <p>12 A. They are independent contractors who have a</p> <p>13 contract with Allstate to use the Allstate brand.</p> <p>14 Q. Okay. And they are exclusive to Allstate.</p> <p>15 They are not allowed to sell, like,</p> <p>16 Farmers, as well; is that right?</p> <p>17 A. Right. Yes.</p> <p>18 Q. Okay. And so mentioning the products and</p> <p>19 services that are the subject of the call</p> <p>20 necessarily means that they're going to mention</p> <p>21 Allstate, right?</p> <p>22 MR. LEWIS: Objection. Form.</p> <p>23 BY MR. BURKE:</p> <p>24 Q. If they're complying?</p>	<p style="text-align: right;">Page 77</p> <p>1 There's no oversight.</p> <p>2 Q. And is the reason there's no oversight</p> <p>3 solely because there's no contract between Allstate</p> <p>4 and those telemarketers?</p> <p>5 MR. LEWIS: Objection. Form.</p> <p>6 THE WITNESS: Yes. Again, because of all</p> <p>7 the contractual obligations on many levels, we are</p> <p>8 only able to work with Allstate contracted vendors.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. But Allstate knows that its agents are</p> <p>11 working with non-contracted telemarketing vendors,</p> <p>12 right?</p> <p>13 MR. LEWIS: Objection. Form.</p> <p>14 THE WITNESS: Yes. Because they're</p> <p>15 independent agents, they are permitted to use</p> <p>16 non-Allstate contracted vendors.</p> <p>17 BY MR. BURKE:</p> <p>18 Q. And Allstate gets sued all the time for</p> <p>19 phone calls made by non-contracted telemarketing</p> <p>20 vendors, right?</p> <p>21 MR. LEWIS: Objection. Form. Outside the</p> <p>22 scope.</p> <p>23 Counsel I'm going to ask you what this has</p> <p>24 to do with the scrubbing tool, that question?</p>



<p style="text-align: right;">Page 78</p> <p>1 MR. BURKE: It has to do with the scrubbing 2 tool, because those phone numbers should have been 3 scrubbed.</p> <p>4 MR. LEWIS: Do you want to put back up the 5 Exhibit 1, and we can take a look at the actual --</p> <p>6 MR. BURKE: No, Rod, you don't get to do 7 that. Give me a break.</p> <p>8 MR. LEWIS: It's outside the scope. I've 9 given you lots of leeway here, right? I haven't 10 said a word about it.</p> <p>11 I'm just letting you know you're getting 12 way far afield. Fair enough?</p> <p>13 MR. BURKE: I may be far afield of the 14 topics, but I'm not off of the case relevancy.</p> <p>15 And this witness, I'm allowed to ask this 16 witness --</p> <p>17 MR. LEWIS: You --</p> <p>18 MR. BURKE: I'm sorry, Rod, I'm allowed to 19 ask this witness about things she knows.</p> <p>20 And so if it's outside the scope, then you 21 guys have, you know, you can make arguments about 22 it.</p> <p>23 But if she knows the information, and if 24 it's relevant to the case, then I get to ask it.</p>	<p style="text-align: right;">Page 80</p> <p>1 that they hired had represented that they had prior 2 express written consent for a call.</p> <p>3 That is my -- essentially my knowledge of 4 the case, or how I prepared.</p> <p>5 Q. Did you review any documents in preparing 6 for the deposition?</p> <p>7 A. Many. I loaded most of these documents for 8 production, so I'm very familiar with them.</p> <p>9 Q. And when did you perform that, load the 10 documents for production?</p> <p>11 A. I believe I started in January and it was 12 ongoing, so have added if there's been new content.</p> <p>13 Q. Are you aware of any attempts by Allstate, 14 since you have worked at Allstate, any attempts by 15 Allstate to try to ensure that outside 16 non-contracted lead generators or telemarketers 17 comply with Allstate's internal Do Not Call rules?</p> <p>18 MR. LEWIS: Objection. Form. Outside the 19 scope.</p> <p>20 THE WITNESS: Again, because we don't have 21 relationships with non-Allstate contracted vendors, 22 we can't tell them what to do.</p> <p>23 We inform the agents how they must work 24 with a non-Allstate contracted vendor if they choose</p>
<p style="text-align: right;">Page 79</p> <p>1 Would you please read the question again, 2 Camille.</p> <p>3 (The requested portion of the record 4 was read by the reporter.)</p> <p>5 MR. LEWIS: Same objection.</p> <p>6 MR. BURKE: You can answer.</p> <p>7 THE WITNESS: There may be demands and 8 allegations, but I can't speak to how many or 9 anything like that. That's not what I was asked to 10 testify about.</p> <p>11 BY MR. BURKE:</p> <p>12 Q. What did you do to prepare for today's 13 deposition?</p> <p>14 A. I again, as the DNC and TCPA SME, I've been 15 involved with the scrubbing tool for years.</p> <p>16 Whenever there needed to be updates to it I 17 ensured that the business rules are added to it.</p> <p>18 So that's my knowledge, too, of the use of 19 the scrubbing tool, who has access to it, how it is 20 populated.</p> <p>21 I did not do an investigation, this 22 particular investigation, so I was provided with 23 certain general information, so that I know that in 24 these cases the agents understood that the vendor</p>	<p style="text-align: right;">Page 81</p> <p>1 to do so.</p> <p>2 And again, that's about following scrubbing 3 rules if they don't have consent for an inquiry, and 4 following the Do Not Call policy, and all Federal 5 and State rules and regs that they're obligated to 6 make sure that any vendor they hire, follow those 7 rules.</p> <p>8 BY MR. BURKE:</p> <p>9 Q. So, other than requiring the agent to 10 follow the Do Not Call policy, has Allstate ever 11 done, you know, since 2008 when you began working 12 with the DNC lists, has Allstate ever done anything 13 other than working through the agents to try to 14 ensure that non-contracted lead generators and 15 telemarketers making outbound calls comply with its 16 internal Do Not Call rules?</p> <p>17 MR. LEWIS: Objection to form. Outside the 18 scope.</p> <p>19 THE WITNESS: Not to my knowledge.</p> <p>20 BY MR. BURKE:</p> <p>21 Q. Has Allstate ever told its agent that 22 they're not allowed to use certain lead generators 23 or telemarketers?</p> <p>24 MR. LEWIS: Objection. Form. Outside the</p>

<p style="text-align: right;">Page 82</p> <p>1 scope.</p> <p>2 THE WITNESS: But, yes.</p> <p>3 BY MR. BURKE:</p> <p>4 Q. Okay. And how often has that happened</p> <p>5 since, you know, you've worked at Allstate?</p> <p>6 MR. LEWIS: Objection. Form.</p> <p>7 THE WITNESS: Fairly recently. I think</p> <p>8 effective last fall, last winter.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. Okay.</p> <p>11 A. Yeah. Provided a list of the vendors that</p> <p>12 would be prohibited.</p> <p>13 Q. It was, like, four or five vendors?</p> <p>14 A. Yes. I think you pulled up the document</p> <p>15 before.</p> <p>16 Q. And have you ever heard of Transfer Kings?</p> <p>17 MR. LEWIS: Objection. Form. Outside the</p> <p>18 scope.</p> <p>19 THE WITNESS: Not outside of this case.</p> <p>20 BY MR. BURKE:</p> <p>21 Q. Has Allstate ever directed or suggested</p> <p>22 that its agents stop working with Transfer Kings?</p> <p>23 MR. LEWIS: Same objections.</p> <p>24 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 84</p> <p>1 specified in our contract that they keep the consent</p> <p>2 and make it available to Allstate upon request.</p> <p>3 Q. Directing your attention to Page 235,</p> <p>4 Bullet Point 19, record retention.</p> <p>5 Is this what you're talking about,</p> <p>6 retaining records of prior express consent?</p> <p>7 A. Yes. This is actually all call records;</p> <p>8 date and time of dial, you know, to whom were they</p> <p>9 calling.</p> <p>10 And, actually, in our contracts with</p> <p>11 Allstate contracted vendors, prior express written</p> <p>12 consent must be kept for at least five years.</p> <p>13 Q. And I think you testified earlier that</p> <p>14 Allstate agents are supposed to log prior express</p> <p>15 consent in Gateway, right?</p> <p>16 A. Yes. If they have the -- if they have a</p> <p>17 direct inquiry consent, or have otherwise received</p> <p>18 consent.</p> <p>19 Q. Now, so is it Allstate's policy that agents</p> <p>20 are allowed to carte blanche believe lead generators</p> <p>21 when they say they have opt-in leads?</p> <p>22 MR. LEWIS: Objection. Form. Outside the</p> <p>23 scope.</p> <p>24 THE WITNESS: Can you repeat the question?</p>
<p style="text-align: right;">Page 83</p> <p>1 BY MR. BURKE:</p> <p>2 Q. Do you have any awareness as to whether</p> <p>3 Transfer Kings ever scrubbed against Allstate's</p> <p>4 Do Not Call list?</p> <p>5 A. I don't. However, if they said they had an</p> <p>6 opt in, then certainly the agent would not have</p> <p>7 needed to scrub.</p> <p>8 But, you know, the contracted call vendor</p> <p>9 would or should scrub if they don't have an opt in.</p> <p>10 Q. And of course the agent is supposed to keep</p> <p>11 records of that opt in, right?</p> <p>12 MR. LEWIS: Objection. Outside the scope.</p> <p>13 THE WITNESS: If the agent has received a</p> <p>14 direct inquiry or has partnered with a vendor that</p> <p>15 has texted that they have consent, then that vendor,</p> <p>16 I believe, would keep the consent.</p> <p>17 BY MR. BURKE:</p> <p>18 Q. Is there some policy that says that?</p> <p>19 MR. LEWIS: Objection. Form.</p> <p>20 THE WITNESS: Specifically around</p> <p>21 non-Allstate contracted vendors?</p> <p>22 BY MR. BURKE:</p> <p>23 Q. At all.</p> <p>24 A. I know that for contracted vendors, they</p>	<p style="text-align: right;">Page 85</p> <p>1 BY MR. BURKE:</p> <p>2 Q. Is it Allstate's policy that Allstate</p> <p>3 agents are allowed to carte blanche believe lead</p> <p>4 generators and telemarketers that they had consent</p> <p>5 to make phone calls?</p> <p>6 MR. LEWIS: Same objections.</p> <p>7 THE WITNESS: Agents are, again,</p> <p>8 responsible for any partnerships they engage in with</p> <p>9 an external vendor, and they are told, again, that</p> <p>10 that vendor must comply, is all I can really speak</p> <p>11 to.</p> <p>12 I don't know what their agreements are,</p> <p>13 you know, any agents' agreements with any</p> <p>14 non-Allstate contracted vendor.</p> <p>15 MR. BURKE: Right. But that's not my</p> <p>16 question.</p> <p>17 Camille, would you read the question again,</p> <p>18 please?</p> <p>19 (The requested portion of the record</p> <p>20 was read by the reporter.)</p> <p>21 MR. LEWIS: Same objection.</p> <p>22 THE WITNESS: I would say I do not know.</p> <p>23 BY MR. BURKE:</p> <p>24 Q. There were some references to a system</p>

<p style="text-align: right;">Page 86</p> <p>1 called Hearsay.</p> <p>2 Have you ever heard of Hearsay?</p> <p>3 A. Yes.</p> <p>4 Q. What is Hearsay?</p> <p>5 A. It is a platform that agents must use if</p> <p>6 they choose to text.</p> <p>7 Q. Okay. Does Hearsay have anything to do</p> <p>8 with outbound calls at all?</p> <p>9 A. No. Hearsay Relate? No. It's a texting</p> <p>10 platform.</p> <p>11 Q. Okay. What about Lead Manager?</p> <p>12 Are you familiar with Lead Manager?</p> <p>13 A. Yes, but not extremely deeply.</p> <p>14 Q. What is it, generally?</p> <p>15 A. So, agents can load leads into this tool,</p> <p>16 or have leads loaded for them, and they are then,</p> <p>17 they can action those leads against certain vendors,</p> <p>18 and those are the ones that are some of these that</p> <p>19 are listed here, do provide Allstate with prior</p> <p>20 express written consent that is known to be a good</p> <p>21 consent.</p> <p>22 And so this lead tool, this Lead Manager</p> <p>23 tool, like it says here, the number will show up as</p> <p>24 okay to call an Allstate's -- or in Lead Manager,</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. LEWIS: Same objection. Outside the</p> <p>2 scope.</p> <p>3 THE WITNESS: There are some names on that</p> <p>4 list that I do not recognize, but I do not know</p> <p>5 which other groups may have contracts with those</p> <p>6 vendors or other sorts of agreements.</p> <p>7 BY MR. BURKE:</p> <p>8 Q. Which of these entities are entities you</p> <p>9 believe are contracted telemarketers for Allstate?</p> <p>10 MR. LEWIS: Same objection.</p> <p>11 THE WITNESS: In terms of just</p> <p>12 telemarketers?</p> <p>13 BY MR. BURKE:</p> <p>14 Q. Yes. And lead generation.</p> <p>15 A. Okay.</p> <p>16 Q. By phone. By phone; lead generation.</p> <p>17 MR. LEWIS: Same objection.</p> <p>18 THE WITNESS: Solicitations by phone?</p> <p>19 HBW and Tried and True, formerly TRI.</p> <p>20 BY MR. BURKE:</p> <p>21 Q. Okay. And of course we have All Web Leads</p> <p>22 and Datalot, right?</p> <p>23 MR. LEWIS: Same objections.</p> <p>24 THE WITNESS: Now you're asking about warm</p>
<p style="text-align: right;">Page 87</p> <p>1 because there is prior express written consent to</p> <p>2 the call.</p> <p>3 Q. As far as you are aware, is this list of</p> <p>4 entities on Page 556 a complete list of the approved</p> <p>5 telemarketing vendors for Allstate?</p> <p>6 MR. LEWIS: Objection. Outside the scope.</p> <p>7 Form.</p> <p>8 THE WITNESS: I recognize some of them,</p> <p>9 yes.</p> <p>10 BY MR. BURKE:</p> <p>11 Q. Which ones do you recognize as being</p> <p>12 approved Lead -- approved contracted telemarketers</p> <p>13 for Allstate?</p> <p>14 MR. LEWIS: Same objection.</p> <p>15 THE WITNESS: Yeah. I would say</p> <p>16 proprietary information.</p> <p>17 BY MR. BURKE:</p> <p>18 Q. So are you refusing to answer the question?</p> <p>19 MR. LEWIS: Counsel, why don't you repeat</p> <p>20 the question, or ask Ms. Trok to repeat the</p> <p>21 question.</p> <p>22 BY MR. BURKE:</p> <p>23 Q. Which of these entities are approved</p> <p>24 telemarketing contracted by Allstate?</p>	<p style="text-align: right;">Page 89</p> <p>1 transfer lead vendors and transfer calls to Allstate</p> <p>2 because someone has gone to a website and either</p> <p>3 filled out a form or did a click to call, then</p> <p>4 that's All Web Leads, Datalot, Quotewizard,</p> <p>5 Contactability.</p> <p>6 BY MR. BURKE:</p> <p>7 Q. Anybody else?</p> <p>8 A. Allstate lead -- Marketplace is a platform</p> <p>9 that hosts some other warm transfer lead vendors,</p> <p>10 and agents can then go into that site to purchase</p> <p>11 the leads.</p> <p>12 Q. And is there a special Do Not Call policy</p> <p>13 for approved contracted lead generators or</p> <p>14 telemarketers, or is it the same for those</p> <p>15 telemarketers and lead generators who are not</p> <p>16 contracted?</p> <p>17 MR. LEWIS: Objection. Form.</p> <p>18 THE WITNESS: There is --</p> <p>19 MR. LEWIS: Outside the scope.</p> <p>20 THE WITNESS: Yeah. Outside the scope of</p> <p>21 Do Not Solicit scrubbing tool.</p> <p>22 There is one Allstate Do Not Call policy;</p> <p>23 however with Allstate contracts, there is</p> <p>24 information in there about other obligations for</p>

<p style="text-align: right;">Page 90</p> <p>1 Allstate.  2 BY MR. BURKE:  3 Q. Sure. So these folks, if they're making  4 outbound calls, are allowed to do so if the person  5 is on the Do Not Call list, the internal Do Not Call  6 list, if they have consent; is that right?  7 A. Prior --  8 MR. LEWIS: Objection.  9 THE WITNESS: Yeah, sorry, Rod.  10 Prior express written consent.  11 BY MR. BURKE:  12 Q. Is there anyone who is monitoring the  13 scrubbing on the scrub tool?  14 MR. LEWIS: Objection. Form.  15 THE WITNESS: In terms of what  16 specifically?  17 MR. BURKE: Anything.  18 MR. LEWIS: Same objection.  19 THE WITNESS: Other than the fact that when  20 we know it's used. But again, we don't -- Allstate  21 does not require its agents to telemarket, and  22 therefore, we wouldn't -- not every agent will  23 probably use the scrubbing tool if they're not  24 telemarketing, especially if they've got consent,</p>	<p style="text-align: right;">Page 92</p> <p>1 agents, or vendors, or anybody is really properly  2 using the Do Not Solicit scrubbing tool?  3 MR. LEWIS: Objection. Form.  4 THE WITNESS: I don't know.  5 BY MR. BURKE:  6 Q. I mean, if this had happened as part of  7 your job, you'd probably remember, right?  8 A. Yes.  9 MR. LEWIS: Objection to form.  10 BY MR. BURKE:  11 Q. Okay. So is it accurate to say that you've  12 never been part of any sort of crosscheck to make  13 sure that agents or non-contracted telemarketing  14 lead generation vendors were using the scrubbing  15 tool properly; is that right?  16 MR. LEWIS: Objection. Form.  17 THE WITNESS: Right. And again,  18 non-Allstate contracted vendors have no access to  19 the Allstate DNS scrubbing tool.  20 BY MR. BURKE:  21 Q. Right. They can't even use it, right?  22 A. Right.  23 Q. You testified earlier today that the  24 scrubbing tool stores the output file after it does</p>
<p style="text-align: right;">Page 91</p> <p>1 and then they're also able to check status in  2 Gateway separately for Do Not Call status.  3 BY MR. BURKE:  4 Q. Is anybody at Allstate, to your knowledge,  5 ever, has anyone ever tried to figure out whether  6 Allstate agents or their non-contracted  7 telemarketing or lead generation vendors were  8 properly scrubbing against the internal Do Not Call  9 list?  10 MR. LEWIS: Objection. Form.  11 THE WITNESS: I don't know.  12 BY MR. BURKE:  13 Q. How could you find out that information?  14 MR. LEWIS: Objection. Form.  15 THE WITNESS: Perhaps the technology team  16 that manages the tool will be able to run some  17 metrics.  18 But again, there are reasons why agents  19 would not need to scrub using the scrubbing tool,  20 and they have that other alternative to check  21 manually in Gateway.  22 BY MR. BURKE:  23 Q. Right. I'm just wondering if Allstate's  24 ever tried to double check and make sure that</p>	<p style="text-align: right;">Page 93</p> <p>1 a batch scrub.  2 I'm wondering how long Allstate keeps that  3 output file?  4 A. It keeps the scrubbing log of the file, and  5 it keeps that information for six years.  6 Q. And so the log would show whether the --  7 I'm sorry, I'm getting all these  8 telemarketing calls during the deposition, and it's  9 ringing in my headset and distracting me.  10 The logs that are kept for six years, would  11 they show the status that the scrubbing tool spit  12 out to the agent contemporaneously?  13 A. Yes. On the date of the scrub the results,  14 yes, would appear.  15 Q. Okay. You testified earlier that there was  16 an e-mail address where, if an agent wanted to place  17 a phone number that wasn't yet in Gateway on the DNC  18 list, they could e-mail it.  19 What is that e-mail address?  20 MR. LEWIS: Objection. Form. Outside the  21 scope.  22 THE WITNESS: I only know it as a work  23 service request within Gateway, and that tech team  24 would then forward it to another unit.</p>

<p style="text-align: right;">Page 94</p> <p>1 BY MR. BURKE:</p> <p>2 Q. So what do you mean a work service request?</p> <p>3 How does that work?</p> <p>4 MR. LEWIS: Same objections.</p> <p>5 THE WITNESS: It's a box that an agent</p> <p>6 would click on and enter their question or concern;</p> <p>7 whether it's a process question, and that would go</p> <p>8 to a technical team for handling.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. And so does that get converted into an</p> <p>11 e-mail, or is it just sort of, like, a -- or</p> <p>12 something else?</p> <p>13 MR. LEWIS: Object to form. Outside the</p> <p>14 scope.</p> <p>15 THE WITNESS: I don't know that. Yeah,</p> <p>16 that's behind the scenes in Gateway, and I don't own</p> <p>17 that tool.</p> <p>18 BY MR. BURKE:</p> <p>19 Q. Who is the person that it would go to?</p> <p>20 MR. LEWIS: Objection. Outside the scope.</p> <p>21 THE WITNESS: I believe it's a team within</p> <p>22 the agency channel unit.</p> <p>23 BY MR. BURKE:</p> <p>24 Q. What do you mean the agency channel</p>	<p style="text-align: right;">Page 96</p> <p>1 they have an issue with any editing or anything else</p> <p>2 within Gateway, to follow that process; to reach out</p> <p>3 to a technical team for support.</p> <p>4 BY MR. BURKE:</p> <p>5 Q. So directing your attention to the DNC</p> <p>6 policy again, this time we'll look at Page 2 at 234.</p> <p>7 It says: Within one business day of the</p> <p>8 request, please process the Do Not Call request via</p> <p>9 the approved methods.</p> <p>10 Would you say that submitting phone numbers</p> <p>11 through a web form, a generic web form, is the</p> <p>12 approved method at Allstate?</p> <p>13 MR. LEWIS: Objection. Form. Outside the</p> <p>14 scope.</p> <p>15 THE WITNESS: It would be one of them.</p> <p>16 BY MR. BURKE:</p> <p>17 Q. And so how are agents supposed to know, or</p> <p>18 how is anybody supposed to know that that's an</p> <p>19 approved method?</p> <p>20 MR. LEWIS: Objection. Form.</p> <p>21 THE WITNESS: The Do Not Call policy is</p> <p>22 intended to be given out to consumers upon request.</p> <p>23 So it's not a process, a full process</p> <p>24 document, which is why some of these are more</p>
<p style="text-align: right;">Page 95</p> <p>1 unit?</p> <p>2 A. The unit that would be the agency channel,</p> <p>3 the technology unit that owns all of the</p> <p>4 applications within Allstate, such as the scrubbing</p> <p>5 tool and Gateway.</p> <p>6 Q. I thought you owned the scrubbing tool and</p> <p>7 Do Not Call.</p> <p>8 Is that incorrect?</p> <p>9 A. Yes. That's incorrect. We own the</p> <p>10 business rules in the tools, but we do not own the</p> <p>11 tools.</p> <p>12 Q. And so is there any specific business rule</p> <p>13 that directs agents who want to add phone numbers</p> <p>14 that are not in Gateway to the Do Not Call list?</p> <p>15 MR. LEWIS: Objection. Form. Outside the</p> <p>16 scope.</p> <p>17 THE WITNESS: Again, they would submit a</p> <p>18 separate request through that web service request.</p> <p>19 BY MR. BURKE:</p> <p>20 Q. So the question is, is there any particular</p> <p>21 writing that tells them they ought to do that?</p> <p>22 MR. LEWIS: Same objection.</p> <p>23 THE WITNESS: I would say no. However,</p> <p>24 they are used to submitting web service requests if</p>	<p style="text-align: right;">Page 97</p> <p>1 general statements.</p> <p>2 Agents who use Gateway, and they use it</p> <p>3 every day, are used to steps they need to take if</p> <p>4 they run into any issues with any sort of processing</p> <p>5 within that tool.</p> <p>6 BY MR. BURKE:</p> <p>7 Q. So, how often do folks submit Do Not Call</p> <p>8 requests through Gateway in that manner?</p> <p>9 MR. LEWIS: Objection. Form. Outside the</p> <p>10 scope.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. BURKE:</p> <p>13 Q. Who would know that?</p> <p>14 A. Probably someone on the technology team.</p> <p>15 Q. Why does Allstate require a name and</p> <p>16 address to put a phone number on the internal</p> <p>17 Do Not Call list through regular methods?</p> <p>18 A. We actually explain in the policy that only</p> <p>19 a phone number is needed to do that.</p> <p>20 MR. BURKE: Okay. But that's not my</p> <p>21 question.</p> <p>22 MR. LEWIS: Repeat your question, then,</p> <p>23 Counsel.</p> <p>24 MR. BURKE: Camille, would you read the</p>

25 (Pages 94 - 97)



<p style="text-align: right;">Page 98</p> <p>1 question, please?</p> <p>2 (The requested portion of the record</p> <p>3 was read by the reporter.)</p> <p>4 MR. LEWIS: Objection. Form. Outside the</p> <p>5 scope.</p> <p>6 THE WITNESS: I would say the Gateway team</p> <p>7 created the intake form for that add-a-prospect</p> <p>8 function, and it requires numerous form fields.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. Any other reasons?</p> <p>11 A. I do not know.</p> <p>12 MR. LEWIS: Objection to form. Outside the</p> <p>13 scope.</p> <p>14 BY MR. BURKE:</p> <p>15 Q. You don't know of any other reasons; is</p> <p>16 that right?</p> <p>17 A. Right.</p> <p>18 Q. And so if somebody does put a name and an</p> <p>19 address and a phone number on the Do Not Call list</p> <p>20 through Gateway, is that name and address now</p> <p>21 available for mail solicitations?</p> <p>22 MR. LEWIS: Objection. Outside the scope.</p> <p>23 Form.</p> <p>24 Counsel, what does mailing have to do with</p>	<p style="text-align: right;">Page 100</p> <p>1 almost done, guys.</p> <p>2 Let's take five minutes, and I think we're</p> <p>3 ready to wrap up.</p> <p>4 Could we go off the record, Camille?</p> <p>5 (After a short recess, the deposition</p> <p>6 resumed as follows:)</p> <p>7 MR. BURKE: I just have a couple more</p> <p>8 questions. I know people have places to go, so do</p> <p>9 I.</p> <p>10 BY MR. BURKE:</p> <p>11 Q. All right. We're back from a break.</p> <p>12 On this web form submission for Do Not Call</p> <p>13 additions, is there a character limit on that</p> <p>14 submission form?</p> <p>15 MR. LEWIS: Objection. Form. Outside the</p> <p>16 scope.</p> <p>17 THE WITNESS: I can't speak to that. I'm</p> <p>18 not that close to behind-the-scenes things in</p> <p>19 Gateway.</p> <p>20 BY MR. BURKE:</p> <p>21 Q. Are you allowed to attach documents?</p> <p>22 MR. LEWIS: Same objections.</p> <p>23 THE WITNESS: I don't know.</p> <p>24</p>
<p style="text-align: right;">Page 99</p> <p>1 the scrubbing tool?</p> <p>2 MR. BURKE: You can answer.</p> <p>3 THE WITNESS: It creates a record in the</p> <p>4 system, and all it does, then, is to -- if an</p> <p>5 individual calls, and usually at that point they'd</p> <p>6 say: I maintain a Do Not Solicit list, which would</p> <p>7 be adding someone to Do Not Call, Do Not Mail, Do</p> <p>8 Not E-mail on that add-a-prospect form.</p> <p>9 BY MR. BURKE:</p> <p>10 Q. Right. But what if somebody says: Hey,</p> <p>11 don't call me. They don't say: Don't solicit me.</p> <p>12 Solicit is sort of a term of art here.</p> <p>13 If they just say: Don't call me, are they</p> <p>14 eligible to receive mail solicitations?</p> <p>15 MR. LEWIS: Same objections.</p> <p>16 THE WITNESS: Unless they requested a Do</p> <p>17 Not Mail request, it is possible they may receive</p> <p>18 direct mail in the future.</p> <p>19 BY MR. BURKE:</p> <p>20 Q. And possibly e-mail, if they give that out,</p> <p>21 as well?</p> <p>22 MR. LEWIS: Same objections.</p> <p>23 THE WITNESS: Possibly.</p> <p>24 MR. BURKE: Okay. All right. I think I'm</p>	<p style="text-align: right;">Page 101</p> <p>1 BY MR. BURKE:</p> <p>2 Q. And, you know, in the very beginning today</p> <p>3 we talked about the Do Not Call list, the table</p> <p>4 that, I guess, resides in Ireland.</p> <p>5 Is that in a sequel database?</p> <p>6 MR. LEWIS: Objection. Same objection.</p> <p>7 THE WITNESS: I know it's in a table within</p> <p>8 our integrated customer services technology unit.</p> <p>9 I couldn't speak to the format. It's</p> <p>10 technical, I don't know.</p> <p>11 BY MR. BURKE:</p> <p>12 Q. And is the DNC list part of the same</p> <p>13 database that contains the CRM data?</p> <p>14 MR. LEWIS: Same objections.</p> <p>15 THE WITNESS: I believe broadly, yes, but</p> <p>16 there are individual sets of data, you know, within</p> <p>17 that.</p> <p>18 So you will have a party, which is a</p> <p>19 customer or a prospect, and then you'll have the DNX</p> <p>20 services, which is where all of the Do Not Call</p> <p>21 lists live.</p> <p>22 BY MR. BURKE:</p> <p>23 Q. What is DNX?</p> <p>24 A. It's just our short-term for Do Not</p>



<p style="text-align: right;">Page 102</p> <p>1 Solicit. So it's got Do Not Call, Do Not Mail list 2 information in it. 3 MR. BURKE: Okay. Ms. Lim, thank you very 4 much. 5 I'm going to hold this deposition open, 6 because there were some questions that I think are 7 directly responsive to these topics that we didn't 8 get answers for; for example, you know, the sequel 9 database questions. 10 But, you know, beside that, I have no -- 11 beside that sort of thing, I have no further 12 questions for today. 13 MR. LEWIS: Note my objection. 14 For the record, I'm going to leave out just 15 for a second, see if I have any follow-up. 16 MR. BURKE: Okay. 17 (There was a discussion held 18 off the record.) 19 EXAMINATION 20 BY MR. LEWIS: 21 Q. Ms. Lim, I've just got one or two very 22 quick follow-up questions for you. 23 Do you remember Counsel asking you about 24 whether there was oversight over non-contracted</p>	<p style="text-align: right;">Page 104</p> <p>1 contract, that is not something that we would permit 2 a non-Allstate contracted vendor to have access to. 3 When a vendor is contracted with Allstate, 4 there are lots of other obligations in those 5 contracts regarding, like, security and all other -- 6 other data security and other things like that, that 7 they are contractually obligated to follow. 8 Q. The non-contracted vendors still could 9 scrub through the agents, though, correct? 10 A. Yes. If that -- if the agent requested the 11 list from the vendor, scrub it and then send it back 12 to the non-Allstate contracted vendor, yes. 13 MR. LEWIS: Okay. Thank you. I have 14 nothing further. 15 MR. BURKE: Okay. I've got some redirect. 16 FURTHER EXAMINATION 17 BY MR. BURKE: 18 Q. So, I think your testimony a moment ago was 19 that non-contracted vendors are not allowed to scrub 20 phone numbers because they're not set up for 21 security. 22 Is that essentially what you testified? 23 MR. LEWIS: Objection. Form. 24 THE WITNESS: It's just one element of a</p>
<p style="text-align: right;">Page 103</p> <p>1 vendors? 2 Do you remember that question? 3 A. Yes. 4 Q. Okay. And do you remember your answer to 5 that question? 6 A. I believe I stated that agents have the 7 obligation to ensure that any non-Allstate 8 contracted vendor that they partner with, they're 9 the ones that are responsible for requiring that 10 that vendor follows the Do Not Call policy, as well 11 as all Federal and State laws and regulations for 12 calling. 13 Q. Okay. Thank you. And lastly, do you 14 remember Counsel asking you about whether the 15 non-contracted vendors have access to the scrubbing 16 tool? 17 Do you remember that question? 18 A. Yes. 19 Q. Okay. I'd ask you if there's anything 20 you'd like to add to your answer as to why the 21 non-contracted vendors don't have access to the 22 scrubbing tool? 23 A. I may have previously stated that's all 24 proprietary to Allstate, and unless there's a</p>	<p style="text-align: right;">Page 105</p> <p>1 contract. 2 Allstate contracted vendors are vetted 3 through risk protocols on so many different levels, 4 as well as their ability to comply in terms of even, 5 like, the dialing equipment, if they have any. 6 All of that information, Allstate vets 7 them, and then, only then will the contract be 8 signed, and that vendor is permitted to place calls 9 on behalf of Allstate, or transfer calls to Allstate 10 agents with prior express written consent if they're 11 a lead ten (phonetic) vendor. 12 BY MR. BURKE: 13 Q. I mean, wouldn't it make sense to try to 14 set up a scrubbing tool for non-contracted vendors 15 that does not disclose any information other than 16 whether the phone number is on the Do Not Call list? 17 MR. LEWIS: Objection. Form. 18 THE WITNESS: Again, Allstate agents are 19 the ones obligated. 20 If they choose to use a non-Allstate 21 contracted vendor, they are encouraged very strongly 22 to use Allstate contracted vendors, because those 23 vendors are able to scrub for them. 24</p>

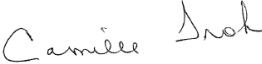
Page 106

1 BY MR. BURKE:  
2 Q. Explain the reasons, if any, why it would  
3 not work to set up a system where non-contracted  
4 vendors scrub call lists against Allstate's Do Not  
5 Call list, whereby the only information that's  
6 provided after the scrub is whether a phone number  
7 is on the list or not?  
8 MR. LEWIS: Objection. Form.  
9 THE WITNESS: I would guess that Allstate's  
10 risk and governance team wouldn't want to permit  
11 anyone who doesn't have a contract with accessing  
12 any Allstate application, because that's on the  
13 Allstate network.  
14 BY MR. BURKE:  
15 Q. Okay. Anything else?  
16 A. Not that I can think of.  
17 MR. BURKE: All right. Well, subject to my  
18 earlier objections in leaving the deposition open, I  
19 don't have anymore questions for you today.  
20 MR. LEWIS: Thank you, everyone.  
21 MR. BURKE: Thanks. Bye-bye.  
22 THE COURT REPORTER: Do you want this typed  
23 up?  
24 MR. BURKE: Yes.

Page 107

1 THE COURT REPORTER: Counsel, do you want a  
2 copy.  
3 MR. LEWIS: Yes, please.  
4 THE COURT REPORTER: And are you going to  
5 send me exhibits?  
6 MR. BURKE: Oh, yeah. I think I will,  
7 Camille.  
8 And so what I'd like to do, if this works,  
9 is get the transcript, pull the exhibits that way,  
10 and just, like, e-mail -- I think there's only,  
11 like, maybe eight of them, and e-mail them to you,  
12 or get them to you somehow after I confirmed with  
13 Rod.  
14 Does that make sense with anybody?  
15 MR. LEWIS: If you've got the Bates numbers  
16 you used in the record, then that makes sense. You  
17 can pull them. That's fine.  
18 MR. BURKE: Yeah. Hopefully I did that  
19 cleanly. Let's hope.  
20 THE COURT REPORTER: Thank you.  
21 MR. BURKE: Thanks, guys. Bye-bye.  
22  
23 (The deposition ended at 4:30 p.m.)  
24

Page 108

1 STATE OF ILLINOIS )  
) ss:  
2 COUNTY OF C O O K )  
3  
4  
5 I, Camille Trok, C.S.R., R.P.R., do hereby  
6 certify that I reported in shorthand the testimony  
7 held at the deposition of VALERIE LIM on the 3rd day  
8 of June, 2021, and that this transcript is a true  
9 and accurate transcription of my shorthand notes so  
10 taken, to the best of my ability, and contains all  
11 of the proceedings given at said deposition.  
12  
13  
14   
15  
16  
17 \_\_\_\_\_  
18 Camille Trok  
19 License No. 084.000960  
20  
21  
22  
23  
24